

Subscription Services over £4.50 in any given seven-day period

Notice of Special Conditions

This Notice is being issued to inform all providers involved, or intending to be involved, in the provision of Subscription Services that Special conditions apply. Level 2 providers are required to comply with the PhonepayPlus Code of Practice, and the Special conditions set out below, which are imposed under paragraph 3.11.1 of the Code.

Under paragraph 3.11.3 of the Code, *“a breach of any special condition in respect of a high risk service imposed under paragraph 3.11.1 shall be a breach of the Code”*.

Subscription services are defined at paragraph 5.3.39 of the Code, which states:

“‘Subscription services’ are services which incur a recurring premium rate charge.”

For the purpose of this Notice, only those services charged at over £4.50 in any seven day period (inclusive of any joining fee where relevant) must comply with these Special conditions. For the further avoidance of doubt, providers of Recurring Donation Services (as defined in the separate Notice relating to such services) and Virtual Chat Services (as defined at paragraph 5.3.41 of the Code) are exempt from this Notice:

Special conditions

Imposed under Annex 2, Paragraphs 1.1 (k) and (n):

(k) information that is required to be given to callers in promotional material or at various stages before and during provision of a high risk service (including as to receipts);

(n) requirements for caller agreement before a high risk service proceeds before the caller is charged.

SS1 Promotional material must not use the words ‘FREE’ or ‘NO CHARGE’, or contain wording that implies the same, except to state that the promotional message itself is free. This extends to promotional SMS messages, search engine results in their entirety and websites within the provider’s control which use these words, or other wording which carries the same implication.

SS2 No free service may directly link to another product or service which carries a premium rate charge, unless the consumer is made aware of that charge and has consented to it before any charge is incurred.

SS3 Prior to delivering the initial charge of a subscription service, providers are required to obtain a ‘double opt-in’ from the consumer in the form of a positive, recorded and auditable response to a communication outlining the costs and name of the premium rate service.

SS4 Upon joining a subscription service, and at the point of each subsequent charge, users must receive confirmation via SMS, or by the most appropriate means of

communication in relation to consumption of the service, of being subscribed to the service, the full name of the service, the associated costs, contact details of the provider of the service and instructions on how to exit the service.

Imposed under Annex 2, Paragraph 1.1(l): Callers not being charged more than once for services they have already received

SS5 Users must not be charged more than once for any service(s) they have already received