



Access to electronic communications services for disabled customers

Statement

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Section 1

Summary

- 1.1 This statement concludes Ofcom's review of General Condition 15, which contains a number of special measures for disabled end-users of communications services.
- 1.2 As part of this review, Ofcom published a Call for Inputs in which we called for evidence to support some possible changes to the General Condition, in particular extension of some requirements to cover broadband.
- 1.3 Although we did not receive evidence to justify extending General Condition 15 beyond its current provisions, during our review of the Condition we became aware that its existing wording was not completely clear in respect of the requirements for communications providers to allow users who are not disabled to make calls to disabled users using text relay.
- 1.4 We also identified a need to clarify how the provision in the General Condition allowing communications providers to levy local rate charges for calls using text relay sits with the requirement (also in General Condition 15) for disabled subscribers to have access to the services at prices that are equivalent to those applicable to users who are not disabled.
- 1.5 We therefore consulted in December 2013 on two proposals to amend General Condition 15.3:
 - expressly to confirm that the Condition requires that End-Users without a disability making calls using a relay service to relevant disabled subscribers are charged no more than the price of the call if the relay service had not been used; and
 - to remove the provision that allows communications providers to charge local rates for calls using the relay service.
- 1.6 Under these proposals, charging for text relay would be based solely on the requirements of General Condition 15 for equivalent pricing.
- 1.7 The consultation closed on 17 January 2014 and we received six responses. Having carefully considered these, this Statement sets out Ofcom's decision to amend General Condition 15 as proposed.

Section 2

Introduction

- 2.1 Article 7 of the Universal Service Directive (“the Directive”) obliges Member States to take specific measures to ensure that access to and affordability of services identified in Articles 4(3) and 5 of the Directive for disabled end-users is equivalent to the level enjoyed by other end-users.¹ Article 4(3) relates to the provision of publicly available telephone services (“PATS”) for the originating and receiving of national and international calls.
- 2.2 Article 23a of the Directive, meanwhile, provides that:
- “Member States shall enable relevant national authorities to specify, where appropriate, requirements to be met by undertakings providing publicly available electronic communication services to ensure that disabled end-users: (a) have access to electronic communications services equivalent to that enjoyed by the majority of end-users; and (b) benefit from the choice of undertakings and services available to the majority of end-users...”
- 2.3 The effect of these provisions is to require Member States to impose Universal Service Conditions to secure the provision of equivalent access to PATS for disabled end-users or to do so by imposing General Conditions. They are given effect in the UK as follows.
- 2.4 The Universal Service Order 2003, transposing provisions of the Directive, requires measures to be taken to ensure access to and affordability of PATS for end-users with a disability equivalent to those enjoyed by other end-users, including the provision of, and the provision of access to, text relay services.
- 2.5 Section 51 of the Communications Act 2003 (the “Act”) was also amended to incorporate the provisions of the Directive. Section 51(2) provides that the power to set General Conditions for protecting the interests of consumers includes the power to set conditions for that purpose which specify requirements in relation to the provision of services to disabled end-users (section 51(5)(c) of the 2003 Act).
- 2.6 In relation to the exercise of these powers, a number of other provisions of the Act are relevant. By virtue of section 3 of the Act, Ofcom’s principal duties in exercising our functions, including those under section 51, are to further the interests of citizens in relation to communications matters and of consumers in relevant markets, where appropriate by promoting competition. Amongst other things, under section 3(4) Ofcom must have regard in performing these duties to the needs of persons with disabilities.
- 2.7 In addition, under section 4 of the Act Ofcom must, in carrying out functions such as those under section 51, act in accordance with the six Community requirements set out in section 4. These include the requirements to promote competition in electronic communications networks and services and associated services and facilities, and to promote the interests of all persons who are citizens of the European Union.

¹ http://europa.eu/legislation_summaries/information_society/legislative_framework/l24108h_en.htm

- 2.8 In light of these provisions, Ofcom has imposed requirements relating to text relay services through General Condition 15, which says:
- “15.3 Subject to paragraph 15.10, the Communications Provider shall ensure that such of its Subscribers who, because of their disabilities, need to make calls in which some or all of the call is made or received in text format, are able to access a Relay Service. Such Subscribers shall be charged for the conveyance of messages to which a Relay Service applies at no more than the equivalent price as if that conveyance had been made directly between the caller and the called person without use of a Relay Service:
- (a) except that the calling person may be charged standard local prices for the call made to a Relay Service provider in order to make a call irrespective of whether the call is successful; and
 - (b) applying a special tariff scheme designed to compensate Subscribers who need to make calls to which a Relay Service applies for the additional time to make telephone calls using a Relay Service.”
- 2.9 In our December 2013 consultation we considered two issues. First, whether, in light of requests by some stakeholders, to clarify that General Condition 15.3 is intended to ensure that consumers who are disabled can receive, as well as make, calls via text relay with equivalent pricing requirements. Second, whether sub-paragraph (a) of the Condition remained appropriate taking into account, amongst other things, current tariffs and the requirement for equivalence.
- 2.10 As to the first issue, we proposed that the requirements of equivalence must include the ability to receive calls as well as make them. We proposed to amend General Condition 15.3 expressly to confirm this (in line with the intention and requirements of the underlying legislative provisions and the common understanding and application of the Condition in practice).
- 2.11 As to the second, General Condition 15.3(a) refers to communications providers being able to charge the cost of a local call for the element of the call made to the relay provider irrespective of whether the call to the called party is successful. As local rates are no longer in use in the UK, and given the requirement in the Directive for equivalence, we proposed that the reference to local rates should be deleted.

Structure of this document

- 2.12 In Section 3 below we analyse these two issues, setting out our consideration of (the limited number of) responses to our consultation, and stating our decision to amend General Condition 15.3 as proposed. We include in Annex 2 a Notification modifying the General Condition.

Impact assessment

- 2.13 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This reflects section 7 of the Communications Act, which requires Ofcom to carry out impact assessments where its proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom's activities. However, as a matter of policy, Ofcom is committed to carrying out and publishing impact assessments in relation to the majority of its policy decisions. For further information about Ofcom's approach to

impact assessments, see the guidelines, *Better policy-making: Ofcom's approach to impact assessment*, which are on Ofcom's website.²

- 2.14 Specifically, pursuant to section 7 of the Act, an impact assessment must set out how, in our opinion, the performance of our general duties (within the meaning of section 3 of the Act) is secured or furthered by or in relation to what we propose. The analysis presented in our consultation document constituted an impact assessment, as defined in section 7 of the Act.

Equality Impact Assessment

- 2.15 Ofcom is also required to assess the potential impact of all our functions, policies, projects and practices on the equality of individuals to whom those policies will apply. Equality impact assessments (EIAs) assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.³
- 2.16 In the consultation document we set out how we had considered whether or not our proposal to clarify the wording of General Condition 15.3 would have a particular impact on race, age, disability, gender, pregnancy and maternity, religion or sex equality. We did not envisage that the proposals would have a detrimental impact on any particular group of people. Our decision now to amend the wording of General Condition 15.3 as proposed is designed to ensure that charging for relay calls cannot be higher than for calls on which the relay service is not used, ensuring equivalence of access to PATS for disabled citizens and consumers.

² <http://www.ofcom.org.uk/about/policies-and-guidelines/better-policy-making-ofcoms-approach-to-impact-assessment/>

³ Ofcom conducts equality impact assessments in order to fulfil its duties under Section 149 of the Equality Act 2010

Section 3

Access to and pricing of the relay service

Issue and proposal 1 (access to text relay for customers who are not disabled)

3.1 General Condition 15 currently says:

“15.3 Subject to paragraph 15.10, the Communications Provider shall ensure that such of its Subscribers who, because of their disabilities, need to make calls in which some or all of the call is made or received in text format, are able to access a Relay Service. Such Subscribers shall be charged for the conveyance of messages to which a Relay Service applies at no more than the equivalent price as if that conveyance had been made directly between the caller and the called person without use of a Relay Service:

- (a) except that the calling person may be charged standard local prices for the call made to a Relay Service provider in order to make a call irrespective of whether the call is successful; and
- (b) applying a special tariff scheme designed to compensate Subscribers who need to make calls to which a Relay Service applies for the additional time to make telephone calls using a Relay Service.”

3.2 In the consultation we set out our provisional view that the General Condition as currently worded may not have fully and effectively implemented the Universal Service Directive in a clear and certain enough way, on the bases that:

- Article 7 USD obliges Member States to take specific measures to ensure that access to, and affordability of, the services identified in Article 4(3) (publicly available telephone services) and Article 5 (directory enquiry services) for disabled end-users is equivalent to the level enjoyed by other end-users.
- Article 2(c) USD defines PATS as “*a service made available to the public for originating and receiving, directly or indirectly, [calls]*”.
- The broader provisions of Article 23a treats equivalence in a similar way to Article 7, referring to ensuring that disabled end-users have access to electronic communications services “equivalent to that enjoyed by the majority of end-users.”

We proposed that it is clear from these provisions, taken together, that the equivalent service to be secured for disabled end-users must include their ability to receive calls as well as originate them.

3.3 We also noted, moreover, that the Universal Service Order 2003 says:

“6.— (1) Special measures shall be taken to ensure access to and affordability of publicly available telephone services for end-users with a disability equivalent to those enjoyed by other end-users.

(2) The measures to be taken for the purposes of sub-paragraph (1) shall include...

(c) provision of, and the provision of access to, relay services for end-users with a disability where required to ensure access to publicly available telephone services by such end-users..."

- 3.4 In its reference to equivalent access to PATS, the Order reflects the Directive. We consulted on the basis that it appeared difficult to take any view other than that the equivalence of access referred to is the ability to make and receive calls.
- 3.5 We set out in the consultation that, on its face, however, the obligation on communications providers in General Condition 15.3 is to provide a relay service to such of its Subscribers who, because of a disability, need to make calls in which some or all of the call is made or received in text format. The provision as currently worded does not make it explicitly clear that there is an obligation on communications providers to provide access to a relay service for End-Users without a disability who wish to call a disabled user of the text relay service.
- 3.6 We further explained that the obligation in GC 15.3 also specifies that disabled subscribers using the service must be charged an equivalent price for the call as if they had not used a relay service. Again, we said General Condition 15.3 does not currently make it explicitly clear that End-Users without a disability accessing a relay service in order to call a disabled user must be given this facility at an equivalent price as if they had not used a relay service for the call, in order to secure the required equivalence of access and affordability.
- 3.7 We noted that, although the Condition does not currently explicitly mandate the ability of users who are not disabled to access a relay service at no additional cost, we had no evidence that any provider is currently barring such access. Neither did we have any evidence that any communications provider was currently charging higher rates for these calls than for calls on which a relay service is not used.
- 3.8 We further noted that this position in practice, and our proposed modification of the Condition, was in line with the requirements and intention of the Universal Service Directive and the Universal Service Order.
- 3.9 Accordingly, we proposed that it is appropriate that General Condition 15.3 should reflect both the requirements and intention of the underlying legal provisions and the current understanding and practice. This would ensure that disabled subscribers' rights are unambiguously protected.
- 3.10 We also proposed that it is timely to make this change in advance of the improvements to the text relay service that have been mandated by Ofcom and which must be provided by 18 April 2014. There is a possibility that these improvements will lead to an increase in take-up of text relay.
- 3.11 We therefore consulted on a proposal to modify the wording of the General Condition to clarify it to the following effect. Namely, that the Condition requires that End-Users without a disability making calls using a relay service to relevant disabled subscribers are charged no more than the price of the call if the relay service had not been used. We also set out for consultation our assessment of the impact of our proposal.

Responses

- 3.12 All of the six organisations that responded to the consultation answered this question. Four of them (Three, Action on Hearing Loss, UK Council on Deafness and the National Association of Deafened People) supported the proposal without qualification.
- 3.13 Two (BT and UKCTA) supported the proposal, but questioned the clarity of the proposed wording of the Condition relating to the special tariff scheme for disabled Subscribers.

Ofcom's analysis and decision

- 3.14 We note and have taken full account that no respondents to the consultation disagreed with our proposal. Likewise, that none of them made any submissions nor provided any evidence that any of (a) our analysis of the requirements of equivalence; (b) our assessment of the current understanding and application of General Condition 15.3 in practice; nor (c) our assessment of the impact of our proposal, was inappropriate or incorrect.
- 3.15 Accordingly, we have no reasons to make a different analysis and assessment or to take any different view from that we proposed in the consultation. We therefore adopt and rely upon the analysis and assessment, and the accompanying reasoning, set out in the consultation, and have decided to modify General Condition 15.3 as proposed.
- 3.16 In doing so, we note what BT and UKCTA said in their responses. We did not intend to amend the Condition such that the special tariff scheme should apply also to inbound relay calls made to disabled Subscribers by non-disabled End-Users. At present, we have no evidence that such a provision is required to address lack of equivalence.
- 3.17 In that connection, we take account of the widespread take-up of inclusive tariffs in both fixed and mobile telephony. The effect is that a pence per minute charge is not a concept applicable to large numbers of calls.
- 3.18 For example, market research for Ofcom published in 2012 found that 87% of residential consumers with a landline had a bundled call deal of some sort included in their landline package and 85% had some kind of unlimited calls package to UK landlines.⁴ Also, the Pure Pricing briefing published in August 2013 only identified one UK tariff that included fixed voice services that did not have at least some inclusive calls.⁵
- 3.19 In mobile, meanwhile, 53% of UK subscribers are on post-pay contracts that typically include a large quantity of inclusive voice and SMS messages, plus an inclusive data allowance. There is now also a wide choice of 30-day SIM-only rolling contracts from many operators.⁶

⁴ Narrowband Market Review Research report (page 20 of this annex):

<http://stakeholders.ofcom.org.uk/binaries/consultations/nmr-2013/annexes/JR-report.pdf>

⁵ www.purepricing.com/uk_broadband_pricing_factbook.html

⁶ <http://stakeholders.ofcom.org.uk/market-data-research/market-data/communications-market-reports/cmr13>

- 3.20 We did not therefore propose, and therefore are not making a decision, to amend the wording of General Condition 15.3 such that the special tariff scheme should apply to relevant in-bound calls. We have decided to amend the Condition to make this clear. We would, however, review the position in future, if evidence suggested that there was a case for the special tariff scheme to apply to inbound relay calls made to disabled Subscribers by non-disabled End-Users.
- 3.21 In this connection, we also note that fixed line providers usually meet the requirement for a special tariff by applying a rebate to each call on which text relay is used.⁷ In mobile, Ofcom understands that applying a rebate to a mobile call that is in-bundle is technically difficult. Some mobile network operators have therefore dealt with this by zero-rating all text relay calls made by their disabled customers. In general, Ofcom considers that this is likely to be an acceptable way of complying with the General Condition, which does not prescribe the format of the special tariff.

Issue and proposal 2: Local call rates

- 3.22 The second issue on which we consulted was to delete General Condition 15.3(a) so as to remove from the Condition the reference to local call rates.
- 3.23 General Condition 15.3 currently requires communications providers to charge users of the text relay service no more than the equivalent price of the call as if it had been made without use of a relay service. However, it also refers to a communications provider charging the cost of a local call for the element of the call made to the relay provider irrespective of whether the call to the called party is successful.
- 3.24 In the consultation, we set out Ofcom's provisional view that a rule to this effect is both anachronistic and contrary to the requirement for equivalence.
- 3.25 On its anachronism, we noted that the approved text relay service provided by BT only brings a relay assistant into the call once it is answered by the called party. So, too, Ofcom understands, will the Next Generation Text Relay Service Ofcom has approved for use from 18 April 2014. No call charges are incurred unless and until that point occurs. If the call is not answered, or if the line is engaged or out of order, no relay assistant is joined to the call, no cost is incurred and no charge is made.
- 3.26 We also noted that, when General Condition 15 was introduced in 2003, calls were generally charged on a pence per minute basis and comprised local and national rate tariffs. As set out above, there is now widespread availability and take-up of inclusive packages, such as unlimited weekday or weekend calls. In addition, there has been an adoption of single rates covering all geographic calls, instead of separate local and national rates.
- 3.27 As to the requirement for equivalence, we said that the provision in General Condition 15.3(a) is, it appeared to us, vulnerable in principle to an argument that it offends that requirement in any event (and all the more so given the anachronisms outlined above). The first paragraph of the Condition already provides for calls made using the relay service to be charged at an equivalent price as if the relay service had not been used; that is, on a pence per minute or an inclusive package basis, depending on how the relevant subscriber is charged for such calls. That is all the notion of equivalence requires in the present context, especially given the way the

⁷ For example, BT applies a 60% rebate to direct dialled calls to fixed line numbers and 20% to direct dialled calls to mobile numbers: http://www.bt.com/pricing/current/Call_Charges_boo/2-1408_d0e5.htm

relay service works and is charged for, and given the way communications providers charge for calls generally.

- 3.28 We proposed that any other charge apparently permitted by the rules, or any rule containing at least an ambiguity or uncertainty that might suggest any other charge may be made, is, in the circumstances as they now are, liable to offend the requirement for equivalence in at least these ways:
- in so far as it might suggest a communications provider can charge a subscriber at its standard pence per minute rate for all or part of a relay call even where an equivalent call made without the relay service would be within an inclusive package; and/or
 - in any event, in so far as it might suggest a communications provider can charge a calling party for a call made via the relay service where the call is not answered, when a charge would not apply to a similarly unsuccessful call made without the relay service.
- 3.29 Given the way the text relay service works and is charged for, and the way communications providers charge for calls generally, we provisionally considered that a requirement for equivalent pricing was all that was necessary. Not only was the ability to charge a local call rate in the Condition unnecessary, it could be in conflict with the requirement for equivalent pricing.
- 3.30 We therefore consulted on a proposal to delete the reference to local call rates, by removing General Condition 15.3(a). We included in support of this proposal, and for consultation, an assessment of the impact of our proposal.

Responses

- 3.31 Five of the six organisations that responded to the consultation supported our proposal. The sixth did not comment on it.
- 3.32 Those who responded to this proposal all agreed that the cost of a local call is no longer a concept in use. Disability stakeholders in particular considered that it was important to remove ambiguity from the Condition and to promote equivalence for disabled consumers, in line with the Universal Service Directive. The Communications Provider, Three, described Ofcom's proposal as "rational and proportionate."

Ofcom's analysis and decision

- 3.33 As with proposal 1, we note and have taken full account of the fact that that no respondents to the consultation disagreed with our proposal. Likewise, that none of them made any submissions nor provided any evidence that any of our analysis, reasoning and impact assessment were inappropriate or incorrect.
- 3.34 Accordingly, again we have no reasons to make a different analysis or assessment, nor take any different view to that we proposed in the consultation. We therefore adopt and rely upon the analysis and assessment, and the accompanying reasoning, set out in the consultation, and have decided to modify General Condition 15.3 as proposed.
- 3.35 In relation to equivalent pricing, we take this opportunity to set out Ofcom's view that text relay calls to numbers that would otherwise fall within bundles or inclusive tariffs

(whether these calls are made by or received by disabled consumers) may not be charged for separately, as this would violate the requirement for equivalence. Such calls must be charged for in the same way and at no higher rate than if a relay service had not been used.

Legal Notification

- 3.36 A Notification under section 48 of the Act, making modifications to General Condition 15.3 so as to give effect to the decisions described above, is at Annex 2 to this statement.

Tests under the Communications Act 2003

- 3.37 Section 47(2) of the Act requires, in relation to the modification of a General Condition, that the modification is objectively justified, non-discriminatory, proportionate and transparent. These requirements are supplemented by the duties to which Ofcom is subject under sections 3 and 4 of the Act (including our principal duty of furthering the interests of consumers and citizens).
- 3.38 We consider that our decision to modify General Condition 15 meets the criteria set out in section 47(2) of the Act, firstly in that it is not unduly discriminatory. The requirement to provide access to a relay service meeting in accordance with General Condition 15.3 will apply to all communications providers, which provide fixed and mobile PATS, for the reasons set out in this statement.
- 3.39 We also consider that our modifications of General Condition 15.3 are a proportionate means of securing the objective of equivalence for users with hearing and/or speech impairments. For the reasons set out and/or adopted in this statement, they impose no more burden than is necessary to secure that objective.
- 3.40 As to objective justification, we consider that requirement is met since, as we also set out in this statement and in the reasoning we adopt, the existing regulatory requirements do not expressly and unambiguously secure the objective of equivalence of access and affordability. The requirements we are now imposing will ensure this objective is met, but do no more than that.
- 3.41 We are satisfied that our decision is transparent, insofar as the nature and reasons for our decision is clearly set out in this statement and in the reasoning we adopt.
- 3.42 Ofcom is further satisfied that the measure we have decided to take satisfy the duties set out in section 3 and 4 of the Act. The analysis set out in the consultation goes to the meeting of those duties. In particular, we have assessed the impact of our proposals on citizens, consumers and competition and adopt that assessment for the purposes of this statement.

Annex 1

List of respondents to our consultation

- A1.1 BT
- A1.2 UK Competitive Telecommunications Association
- A1.3 Three
- A1.4 Action on Hearing Loss
- A1.5 UK Council on Deafness
- A1.6 National Association of Deafened People

Annex 2

Notification of modification of Condition 15 of Part 2 of the General Conditions under section 48 of the Communications Act 2003

BACKGROUND

- A. The Director General of Telecommunications published on 22 July 2003 a notification setting the General Conditions. Since July 2003, the General Conditions have been modified on several occasions and Ofcom has set new General Conditions.
- B. Articles 7 and 23a of the Universal Service Directive require Member States to ensure that access to, and affordability of, certain communications services for disabled end users is equivalent to the level enjoyed by other end-users. General Condition 15 contains a number of provisions designed to secure this equivalence.
- C. Ofcom has considered the extent to which General Condition 15 might be modified so as appropriately to secure such equivalence for disabled end users. In particular, Ofcom has reviewed the extent to which General Condition 15 gives clear and express effect to requirements that secure such equivalence.
- D. On 2 December 2013, Ofcom published a notification under section 48A(3) of the Act setting out proposals to modify General Condition 15 (the "Proposal Notification").
- E. A copy of the Proposal Notification was sent to the Secretary of State in accordance with section 48C of the Act.
- F. In the Proposal Notification (and accompanying consultation document), Ofcom invited representations on the proposals by 17 January 2014.
- G. By virtue of section 48A(6), Ofcom must (i) consider every representation about the proposals made to Ofcom within the period specified in the Proposal Notification; and (ii) have regard to every international obligation of the United Kingdom (if any) which has been notified to Ofcom for this purpose by the Secretary of State.
- H. Ofcom received responses to the Proposal Notification and has considered every such representation made in respect of the proposals set out in that notification (and explained in the accompanying consultation document); and the Secretary of State has not notified Ofcom of any international obligation of the United Kingdom for this purpose.

DECISION

- I. In light of the above, Ofcom has decided to modify General Condition 15 as proposed. It does so by way of this notification (the "Decision Notification"). The modifications are set out in Schedule 1 to this notification.

- J. Ofcom's reasons for making these modifications, and their effects, are set out in the accompanying explanatory statement.
- K. Ofcom considers that the modifications comply with the requirements of sections 45 to 48C of the Act, insofar as they are applicable. Ofcom considers that the modifications are not of EU significance pursuant to section 150A(2) of the Act.
- L. In making these modifications, Ofcom has, so far as relevant, considered and acted in accordance with its general duties under section 3 of the Act, the six Community requirements set out in section 4 of the Act and its duty to take account of European Commission recommendations for harmonisation under section 4A of the Act.
- M. The modifications shall enter into force on 13 March 2014.
- N. A copy of this Decision Notification is being sent to the Secretary of State in accordance with section 48C of the Act.

INTERPRETATION

- O. In this Decision Notification:
 - a. "the Act" means the Communications Act 2003;
 - b. "the General Conditions" means the General Conditions of Entitlement made under section 45 of the Act which took effect on 25 July 2003;
 - c. "Ofcom" means the Office of Communications; and
 - d. "the Universal Service Directive" means Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services.
- P. Words or expressions shall have the meaning assigned to them in this Decision Notification, and otherwise any word or expression shall have the same meaning as it has in the Act.
- Q. For the purposes of interpreting this Decision Notification:
 - a. headings and titles shall be disregarded; and
 - b. the Interpretation Act 1978 shall apply as if this Decision Notification were an Act of Parliament.
- R. The Schedules to this Decision Notification shall form part of it.

Signed by Chris Taylor



Chris Taylor
Director, Consumer Policy, OFCOM
12 March 2014

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

Schedule 1

Modifications to General Condition 15 of Part 2 of the General Conditions

1. The opening paragraph to General Condition 15.3 is amended so that it reads:

“The Communications Provider shall ensure that such of its Subscribers who, because of their disabilities, need to make or receive calls in which some or all of the call is made or received in text format, are able to access and use a Relay Service, including the receiving of calls made by End-Users irrespective of whether such End-Users have a disability. Such Subscribers and End-Users, as the case may be, shall be charged for the conveyance of messages to which a Relay Service applies at no more than the equivalent price as if that conveyance had been made directly between the caller and the called person without use of a Relay Service. In making such charges, the Communications Provider shall apply a special tariff scheme designed to compensate Subscribers who, because of their disabilities, need to make calls to which a Relay Service applies for the additional time to make telephone calls using a Relay Service.”

2. Sub-paragraphs (a) and (b) of General Condition 15.3 are deleted.