



# Guidelines: Consumer protection test for telephone number allocation

Version 1

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# Contents

Section		Page
1	Introduction to the guidelines on the consumer protection test for telephone number allocation	1
2	Ofcom's process for placing a company or individual on the CPT Lists	2
3	The function and operation of the CPT Lists	13
4	Ofcom's and providers' responsibilities in relation to the CPT Lists	15

## Section 1

# Introduction to the guidelines on the consumer protection test for telephone number allocation

## Background

- 1.1 Ofcom has produced these guidelines to explain the implementation and operation of the consumer protection test for telephone number allocation ('the CPT'). They are intended to provide clarity and transparency on the process and are not legally binding.
- 1.2 We will normally follow these guidelines when applying the CPT although we will consider each case on its own merits. We will only apply this approach where it is appropriate to do so. In the event that we decide to depart from these guidelines, we will generally set out our reasons for doing so.
- 1.3 These guidelines will be updated as and when necessary and appropriate. They should be read in conjunction with the CPT statement published by Ofcom on 30 September 2008.<sup>1</sup>

## The consumer protection test for telephone number allocation

- 1.4 The purpose of the CPT is to provide a mechanism for refusing the allocation of additional telephone numbers from specified number ranges to individuals and companies that we are satisfied have used numbers to cause serious or repeated consumer harm in the past. We will publish and update lists of individuals and companies to whom Ofcom will refuse the allocation of numbers in the 070, 087 (excluding 0870) and 09 number ranges.
- 1.5 The processes for placing individuals and companies on the 'under assessment list' and the 'number refusal list' (known collectively as 'the CPT Lists') are provided in these guidelines. Details on how we will apply the CPT are also set out.
- 1.6 Questions on the CPT should be directed to the Numbering Team at [numbering.applications@ofcom.org.uk](mailto:numbering.applications@ofcom.org.uk)

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<sup>1</sup> *Consumer protection test for telephone number allocation*, Ofcom statement published on 30 September 2008 available at <http://www.ofcom.org.uk/consult/condocs/numberingcpt/statement/>

## Section 2

# Ofcom's process for placing a company or individual on the CPT Lists

### How do individuals and companies come to our attention for potential assessment under the CPT?

- 2.1 We have established procedures with a number of authorities who are responsible for enforcing relevant law and regulation, in particular consumer protection regulations. These authorities include PhonepayPlus, the Office of Fair Trading, Trading Standards, the Crown Prosecution Service and the police. Under these procedures, the authorities will inform us of any enforcement actions that they have taken or are about to take that involve the use of telephone numbers to cause consumer harm. We will also identify companies and individuals through our own investigations.
- 2.2 We have asked those authorities, where practicable, to notify us in advance of an impending action so that we can make an initial assessment as soon as the authority has made its decision.
- 2.3 Examples of the types of enforcement action taken by relevant authorities that are likely to trigger an initial assessment by us under the CPT are shown in the table below. This is an indicative non-exhaustive list of the types of harmful activities and corresponding enforcement actions that are likely to bring an individual or company to our attention.
- 2.4 Those who are the subject of an enforcement action will not automatically be added to either CPT List. It will bring that individual or company to our attention for initial assessment under the CPT (see below).

**Table 1: indicative list of possible triggers for Ofcom assessment under the CPT**

Abuse/ misuse	Possible trigger of Ofcom assessment
Misuse of numbers e.g. revenue-sharing in contravention of the National Telephone Numbering Plan ('the Numbering Plan')	A notification issued by Ofcom under sections 94 or 95 or a penalty imposed under section 96 of the Act for breach of General Condition 17 ('the Numbering Condition').
Premium Rate Service abuse	Certain adjudications by PhonepayPlus (under its standard or emergency procedure) for contravention of its Code of Practice; A notification issued by Ofcom under sections 94 or 95 of the Act or a penalty imposed under section 96 of the Act for breach of the PRS Condition. <sup>2</sup>

<sup>2</sup> The regulation of PRS is provided for in sections 120 to 124 of the Act. These provisions give Ofcom the power to set the PRS Condition for the purpose of regulating the provision, content, promotion and marketing of PRS. They also require communications providers to comply with directions given by PhonepayPlus under the Approved Code of Practice.

Certain types of persistent misuse of an electronic communications network or service (excluding silent calls as the telephone number used to make the call is irrelevant. The behaviour does not involve a call back and the number is therefore not central to the behaviour)	A notification issued by Ofcom under sections 128 or 129 of the Act or a penalty imposed under section 130 of the Act for persistent misuse of an electronic communications network or service.
Misleading or deceptive conduct in relation to telephone numbers e.g. misleading pricing information for an 08 number	A notification issued by Ofcom under sections 94 or 95 of the Act or a penalty imposed under section 96 of the Act for breach of General Condition 14; An enforcement order made by or undertaking given by an individual or company to the Court, Ofcom, or other relevant authority under Part 8 of the Enterprise Act 2002.
Criminal behaviour that would be classed as number abuse, e.g. PRS scams	A criminal conviction, for example for fraud, theft or deception perpetrated by the misuse of telephone numbers.

We will conduct an initial assessment of the enforcement action to determine if the behaviour that led to the sanction may be relevant to the CPT

- 2.5 Once an individual or company comes to our attention through an enforcement action, we will undertake an initial assessment to determine whether telephone numbers were central to the behaviour that led to the sanction. We will consider the facts of each case and if required, we will seek further information from the authority responsible. We will not contact the individual or company during the initial assessment process.
- 2.6 If we conclude that the use of telephone numbers was not central to the behaviour that led to the sanction then the assessment is closed.
- 2.7 If we conclude, initially, that the use of telephone numbers was central to the behaviour that led to the sanction, then we will place the individual or company on the under assessment list so that the behaviour that led to the enforcement action can be assessed in more detail. If we place a company on the under assessment list, we will also place the company's directors on that list.

How do we decide whether the use of telephone numbers was central to the carrying out of the harmful behaviour which led to the enforcement action?

- 2.8 We have identified two types of misuse/abuse that we believe should be targeted by the CPT and that illustrate behaviour where telephone numbers are central to the carrying out of the harmful behaviour:

- *direct misuse of a telephone number*, where serious or repeated harm to consumers is caused by using or adopting a telephone number contrary to numbering provisions. An example would be revenue-sharing on an 070 number, which is contrary to the Numbering Plan; and
  - *indirect misuse of a telephone number*, where the use or adoption of telephone numbers is critical to the activity causing the consumer harm.
- 2.9 To illustrate indirect misuse of a telephone number, premium rate scams, fraud and other activities which rely on duping consumers to call revenue-share telephone numbers would be included in the CPT. Running a bogus charity which conned consumers into making credit card donations over a freephone number would not be included. In the latter case, the type of number is incidental or at least not central to the method of consumer harm - the activity could have equally been carried out by requiring consumers to send their donations by cheque in the post, over the internet through a web credit card payment service, or through a call to a standard geographic number. If the 'donation' mechanism worked by conning the consumer into calling a premium rate number on the premise that the cost of the call would be donated to a charity, this would be the sort of indirect number misuse that the test is designed to address.
- 2.10 In general, the following factors will be taken as an indication that the use of telephone numbers was central to the behaviour (although other factors may also be relevant):
- *the profitability of the behaviour was dependent on the revenue-sharing features of the numbers in question:*  
Harmful activities such as premium rate service scams are generally carried out in order to generate revenue. Where telephone numbers are the source of the revenue being generated, for example through revenue-share arrangements, then we are likely to consider the telephone numbers as being central to the behaviour; and
  - *the behaviour was dependent on the functionality or other characteristics of the numbers in question:*  
Where the functionality or some characteristic of the telephone number(s) in question, for example the 'find-me-anywhere' functionality of 070 numbers or the fact that 070 numbers are easily mistaken for mobile numbers, is necessary or assists in the activity being carried out, then we are likely to consider the numbers as being central to the harmful behaviour.

Where we have found that use of telephone numbers was central to the carrying out of the harmful behaviour which led to the enforcement action, the companies or individuals are placed on the under assessment list

- 2.11 Once the individual or company has been placed on the under assessment list, we will notify them that they have been placed on the under assessment list while we consider whether we are satisfied that they have caused serious or repeated harm to consumers through the use of telephone numbers.
- 2.12 The listing of a company on the under assessment list will also result in the listing of the directors of that company on the under assessment list. The directors of the company will be assessed as individuals alongside the company when we consider whether we are satisfied that serious or repeated consumer harm has occurred through the use of telephone numbers.

2.13 The notification will inform the individual or company:

- that we have placed them on the under assessment list and that we are considering whether they have caused serious or repeated harm to consumers, in which case we will propose that they be placed on the number refusal list;
- the reason why we are considering placing them on the number refusal list. This will generally be the enforcement action that brought the individual or company to our attention;
- the framework which we will use in considering whether they should be placed on the number refusal list (this will usually be a reference to the CPT statement and/or these guidelines and any sections therein which are relevant to the process);
- that they may make representations in respect of the notification and set out their arguments as to why they should not be placed on the number refusal list;
- that we will notify them of our proposed decision, at which point they will receive an opportunity to make representations on our proposed decision; and
- the proposed timeframe for the assessment process.

The individual or company placed on the under assessment list will be given the opportunity to make representations

2.14 The individual or company will be given the opportunity to make written representations in response to the notification of assessment and to set out their reasoning as to why they should not be placed on the number refusal list.

2.15 Written representations may be submitted to us in whatever form the individual or company wants to present the material and may cover whatever matters they consider to be relevant.

2.16 We may request that the individual or company answers specific questions on matters to help us in the assessment process, including points that may be unclear from the enforcement action.

2.17 We will only accept representations submitted by the individual or company under assessment (or their representatives) and we will not normally seek submissions from third parties.

2.18 Timescales for the submission of representations and responses to requests for information will be provided in the notification of assessment. This will generally be two weeks but may be shorter or longer depending on factors such as the complexity of the behaviour under assessment and whether we need to meet any overriding statutory obligations that would impact the timescale (see paragraphs 2.45 to 2.51 for further detail on this point).

We will assess the individual or company on the under assessment list to determine whether we are satisfied that they have used numbers to cause serious or repeated harm to consumers

2.19 We will assess the behaviour that resulted in the enforcement action being brought to our attention to determine whether:

- telephone numbers were central to the behaviour (taking into account the relevant factors listed in paragraphs 2.8 to 2.10); and
- we are satisfied that the behaviour resulted in serious harm to consumers (taking into account the relevant factors listed in paragraph 2.20); and/or
- we are satisfied that the behaviour caused repeated harm to consumers (taking into account the relevant factors listed in paragraph 2.21).

How do we decide whether the behaviour that led to the enforcement action constitutes 'serious harm' to consumers?

2.20 In considering whether the individual or company in question has used numbers in a manner that has caused serious harm to consumers, we will have regard to the factors set out below:

- *whether the abuse was a criminal offence*: where an individual or company has been convicted of a criminal offence as a result of their use of telephone numbers, we will normally view this as a serious abuse;
- *consumer harm*: the greater the level of harm/detriment suffered by consumers, including the number of consumers affected as a result of the notified abuse, the more serious we are likely to consider the behaviour;
- *whether the abuse was targeted*: we will take into account whether the notified abuse was targeted at specific groups of people, particularly more vulnerable groups;
- *the number and range of abuses notified*: we will take into account the number of separate instances of abuse included in an enforcement decision;
- *whether the harmful conduct was deliberate*: we will consider the deliberate misuse of telephone numbers to be of greater seriousness than where any misuse resulted from incompetence or a lack of understanding of the relevant regulations;
- *steps taken to cease the harmful conduct*: we will take into account any steps taken by the individual or company to bring an end to the harmful behaviour and to remedy the consequences of that behaviour prior to the individual or company being contacted by the relevant enforcement authority; and
- *the view of the enforcement authority* on the seriousness of the behaviour that led to the sanction: we will take into account any views provided by the relevant enforcement authority on the seriousness of the abuse as provided in their enforcement notification or otherwise supplied.

How do we decide whether the individual or company being assessed has repeatedly caused consumer harm through the use of telephone numbers?

2.21 We will consider the history of the individual or company being assessed over the preceding 24 months and will take the following factors as indications that repeated consumer harm has occurred:

- *prior listing on the number refusal list*: where Ofcom has previously found the individual or company to have used telephone numbers to cause serious or repeated harm to consumers;
- *previous notifications and adjudications*: where Ofcom, PhonepayPlus or another relevant authority has previously issued a notification or made an adjudication against the individual or company for harmful behaviour involving telephone numbers and that individual or company subsequently carries out further abuse that leads to the issuing of a further notification or adjudication for harmful behaviour involving telephone numbers;
- *previous convictions under criminal provisions or penalties imposed by a court in relation to civil proceedings*: where a court has previously made a finding against the individual or company for harmful behaviour involving telephone numbers; and
- *previous undertakings provided*: where an individual or company has previously given undertakings to the Court, Ofcom or another relevant authority under the Enterprise Act 2002 in lieu of enforcement action in relation to harmful behaviour involving telephone numbers.

#### We will reach a decision following the assessment

- 2.22 Taking account of the factors above, any further information received and any representations made by the individual or company in question, we will determine whether we are satisfied that the individual or company has used telephone numbers in a way that has caused serious or repeated harm to consumers.
- 2.23 If we are satisfied that the individual or company under assessment has used telephone numbers in a way that has caused serious or repeated harm to consumers, we will propose that the individual or company be placed on the number refusal list and will consider a proportionate period of time for the individual or company to remain on the number refusal list (see paragraphs 2.26 to 2.31 below).
- 2.24 If we are not satisfied that the individual or company has used telephone numbers in a way that has caused serious or repeated harm to consumers, we will notify them that they have been removed from the under assessment list and that we do not propose to place them on the number refusal list in relation to that particular enforcement action.
- 2.25 When conducting our assessment, we will not re-open any previous enforcement decision that may have brought the individual or company to our attention, or make any determination as to whether or not the individual or company in question actually committed the harmful behaviour to which that decision related. This would undermine the existing enforcement measures by which the CPT may be triggered.

#### We will propose a proportionate period of time for the individual or company to remain on the number refusal list

- 2.26 If we are satisfied that the individual or company under assessment has used telephone numbers in a way that has caused serious or repeated harm to consumers and should be placed on the number refusal list, we will propose a period of time for the individual or company to remain on the number refusal list ('the number refusal period'). That period of time will be proportionate to the behaviour that led to the decision to refuse numbers to the individual or company. We have developed a set of

general criteria that we will consider when deciding the number refusal period and this will vary according to a range of considerations.

### **General criteria for setting the number refusal period**

- 2.27 Generally the guideline number refusal period will be at least six months unless there are exceptional circumstances, as we believe that any shorter period would not be effective in protecting consumers. There is no maximum period.
- 2.28 We will first consider the following non-exhaustive list of factors in determining the number refusal period:
- the seriousness of the behaviour that led to the assessment;
  - the extent and seriousness of any previous behaviour involving the use of telephone numbers to harm consumers;
  - the extent to which any harm to consumers was caused by a third party or any relevant circumstances beyond the control of the notified party; and
  - the need to ensure that the period of refusal provides sufficient protection to consumers.
- 2.29 After determining the number refusal period on the basis of the general criteria detailed above, we will then consider whether there are any other factors specific to the individual case that might justify increasing or decreasing the period.

### **Factors tending to lead to an increase in the number refusal period**

- 2.30 These may include, but would not necessarily be limited to:
- the continuation of the harmful behaviour after notification by Ofcom, PhonepayPlus or another relevant authority;
  - the extent to which senior management knew or ought to have known that the harmful behaviour was occurring or would occur; and
  - the absence, ineffectiveness or repeated failure of internal mechanisms or procedures intended to prevent harmful behaviour by the individual or company.

### **Factors tending to lead to a reduction in the number refusal period**

- 2.31 These may include, but would not necessarily be limited to:
- the extent to which the individual or company has taken steps in advance to identify and mitigate external factors that might result in harm to consumers;
  - the extent and timeliness of any steps taken to end the harmful behaviour and remedy any consequences of that behaviour; and
  - co-operation with any investigation into the behaviour carried out by Ofcom, PhonepayPlus or another relevant body.

## **Final decision on the number refusal period**

2.32 Having had regard to any representations made by the individual or company and having considered the factors listed above (to the extent that they are relevant) and any other circumstances relevant to the particular individual or company under assessment, we will determine an appropriate and proportionate period of time for the individual or company to remain on the number refusal list.

### We will notify individuals and companies on the under assessment list of the outcome of our assessment

2.33 If we are satisfied that the individual or company has used telephone numbers in a way that has caused serious or repeated harm to consumers, we will notify them that we are proposing to place them on the number refusal list.

2.34 The notification will inform the individual or company:

- of our proposed decision to place them on the number refusal list and for how long the proposed number refusal period will last;
- the reasons why we are proposing that they should be placed on the number refusal list and for determining the number refusal period. This will generally refer to the enforcement action that brought the individual or company to our attention and the findings of our subsequent assessment;
- the framework which we used to decide whether they should be placed on the number refusal list and for determining the time period (this will usually be a reference to the CPT statement and/or these guidelines and any sections therein which are relevant to the process); and
- the timescales for making any representations to us in relation to the proposed listing on the number refusal list and the proposed length of time of the listing.

### Following notification of our proposal to place the individual or company on the number refusal list, we will consider any representations received and make a final decision on the listing

2.35 We will consider any representations received from the individual or company on our proposal to place them on the number refusal list and the proposed number refusal period and will make a final decision on whether to implement our proposal.

2.36 We will notify the individual or company of our final decision. If we decide to list them on the number refusal list, the notification will set out the reasons for doing so and the number refusal period.

2.37 If we decide not to place the individual or company on the number refusal list, we will inform them of our decision and will remove them from the under assessment list.

### Individuals and companies may appeal our decision to place them on the number refusal list by taking the decision to the Competition Appeal Tribunal

2.38 Individuals or companies that are subject to our decision to place them on the number refusal list have the right to appeal the decision to the Competition Appeal Tribunal (CAT).

- 2.39 Taking Ofcom's decision to place the individual or company on the number refusal list to the CAT would constitute a full appeal on the merits of our decision.

#### Our process for removing an individual or company from the number refusal list

- 2.40 Once the number refusal period has elapsed, the individual or company will normally be removed from the number refusal list and notified of that fact.
- 2.41 If the individual or company has been the subject of an enforcement action during the period that they are listed on the number refusal list, and our initial assessment suggests that the individual or company has used numbers again to cause consumer harm, we will place them on the under assessment list and investigate the behaviour as normal.
- 2.42 If we are satisfied that the individual or company has used telephone numbers to cause serious or repeated harm to consumers, our decision that the individual or company should be refused numbers for a certain period of time may effectively extend the period that they are listed on the number refusal list. If this should be the case, the individual or company will be notified of our decision to extend the number refusal period. The notification will set out the length of the extended number refusal period and the reasons for our decision. The individual or company will be given the opportunity to make representations.
- 2.43 Generally, we will not reduce the period of number refusal once it has been decided as part of the assessment process. If an individual or company on the number refusal list has taken steps to cease the harmful conduct and remedy the consequences of that conduct, this will be taken into account when we initially determine the number refusal period. Once the assessment process is complete and the individual or company has been placed on the number refusal list, it will not be sufficient to only then take steps to remedy the potential for further harmful conduct. However, if there is a significant change of circumstances, for instance if a company is acquired by another company and new management is put in its place, we may be more likely to reconsider our decision in relation to the number refusal list.
- 2.44 Further, we consider that once an enforcement decision has been made by an authority, it is final until such time as it is reviewed or overturned. If a decision that led to an individual or company's placement on either CPT List is overturned, we will, on request of the individual or company listed on the number refusal list, re-assess in the light of the new circumstances and would be likely to remove them from the list (unless, for example, other enforcement decisions had been made against the individual or company since the decision that led to their placement on the list).

#### Timescales for the CPT List assessment process

- 2.45 We recognise the need to make assessments as quickly as possible as individuals and companies will be unable to receive number allocations during the period we are conducting our assessment, even if we ultimately determine that they should not be placed on the number refusal list. This could have some impact on a business that is reliant on new number allocations to provide services. To best alleviate these concerns, assessments will be as swift as possible while ensuring sufficient time is provided to make an accurate judgement on the facts and to give the party being assessed time to make representations. However, if it becomes clear that the behaviour would not justify number refusal under the CPT, the individual or company in question may be removed from the under assessment list immediately.

- 2.46 In setting timescales for assessment under the CPT, we must have regard to the statutory timescales for determining numbering applications and for certain procedures that serve as triggers in relation to the CPT.
- 2.47 We have an obligation, pursuant to Article 5 of the Authorisation Directive and section 58(4)(b) of the Act, to allocate numbers within three weeks of receiving an application. Accordingly, it is conceivable that an individual or company who is placed on the under assessment list applies to us for a number allocation on the same day as the placement or at some point during the assessment process. In such case, the CPT assessment process would need to be finalised within three weeks of receipt of that application (or where additional information has been requested, receipt of such further information) so that we can make a determination on the numbering application within the statutory timescale.
- 2.48 The indicative list of possible triggers for our assessment under the CPT (see Table 1 in paragraph 2.4) includes notifications under sections 94 to 96 and 128 to 130 of the Act. However, whereas we believe a notification under section 94 and section 128 may be an appropriate trigger for listing on the under assessment list, it would normally not be appropriate for the individual or company concerned to be placed on the number refusal list if that party has subsequently complied with the requirements set out in the section 94 or section 128 notification.
- 2.49 It would normally be appropriate for the individual or company concerned to be placed on the number refusal list only if they do not comply with the requirements of the section 94 or section 128 notification resulting in an enforcement notification under section 95 or section 129, or the imposition of a penalty under section 96 or section 130. This affects the timescales for CPT assessment. Under section 94 and section 128, the party notified of the contravention/misuse has one month to comply with the notice or to make representations. Further time is required for us to issue the enforcement/penalty notice.
- 2.50 Other timescales may need to be taken into account on a case-by-case basis, such as those in relation to procedures under Part 8 of the Enterprise Act. As the list of triggers is non-exhaustive, it is not possible to determine the relevant timescales for each case.
- 2.51 In light of the opposing requirements set out above, the timescales for assessment under the CPT need to be flexible. We have established a process timetable, with indicative timescales, which will be followed for 'standard' assessment, while recognising that timescales may need to be adapted depending on the specific circumstances of each case.

**Table 2: indicative timescale for completion of a 'standard' assessment under the CPT**

Indicative timescales	Actions
Day 1	Notification to Ofcom by relevant authority (where applicable). The relevant authority should notify Ofcom as soon as possible of the enforcement action, preferably in advance; if not, ideally within 1 to 2 days of the action being made.
Day 1-5	Ofcom conducts the 'Initial assessment'.
Day 5	The individual or company is notified that they have been placed on the under assessment list. Representations are invited.
Day 19	Deadline for receipt of representations.
Day 20 – 33	Assessment by Ofcom.
Day 33	Ofcom reaches a draft decision. Notification of proposed decision and period of number refusal is sent to the individual or company concerned.
Day 40	Deadline for representations.
Day 47	Decision and notification of decision.

## Section 3

# The function and operation of the CPT Lists

### We will compile, update and publish the CPT Lists on our website

- 3.1 The CPT Lists are the collective name for the under assessment list and the number refusal list. The under assessment list contains the names of individuals and companies that we are assessing as to whether we are satisfied that they have used numbers to cause serious or repeated harm to consumers; while the number refusal list contains the names of individuals and companies that we are satisfied have used numbers to cause serious or repeated harm to consumers.
- 3.2 We will compile, publish and update the under assessment and number refusal lists. Our process for adding and removing individuals and companies to and from the CPT Lists is set out in Section 2 of these guidelines
- 3.3 The CPT Lists are published on the publicly available section of our website. Access is via a link on our Numbering Policy webpage:  
<http://www.ofcom.org.uk/telecoms/ioi/numbers/>
- 3.4 We offer a free email subscription service to provide subscribers with automatic notification of updates to the CPT Lists. Providers can sign up for the notification system at <http://www.ofcom.org.uk/static/subscribe/numbering.htm> to ensure that they are always aware of the latest version of the lists.
- 3.5 Modified CPT Lists come into effect from the day that they are published on our website to avoid a 'regulatory gap'. This means that Ofcom will not allocate numbers to individuals or companies on either list from the time the updated lists are published.

### Who may be placed on the CPT Lists?

- 3.6 Individuals and companies that we are assessing or are satisfied have used telephone numbers to cause serious or repeated harm to consumers may be placed on the CPT Lists. This includes communications providers and non-communications providers.
- 3.7 We hold all company directors responsible for the actions of their companies and we list all company directors on the under assessment list at the same time as their companies. Company directors will be given the opportunity to make representations to Ofcom which will be taken into account when considering their role in the behaviour that led to the original decision and in deciding whether or not they should be placed on the number refusal list.
- 3.8 In addition, an individual associated with running a company but who is not listed as a director (sometimes known as a 'shadow director') could also be placed on the CPT Lists if we have grounds for believing that they were associated with running a company listed on the CPT Lists at the time that the behaviour occurred that led to the enforcement action.

- 3.9 Individuals may also be placed on the number refusal list if they are found by a court, PhonepayPlus, Ofcom or other relevant authority to have committed number-related criminal offences or caused consumer harm in their personal capacities or are named as associated individuals of companies involved in using numbers to cause serious or repeated harm to consumers.

### What does it mean for individuals and companies who are placed on the CPT Lists?

- 3.10 Individuals and companies who are placed on the under assessment list:

- will be listed on a publicly available list showing that Ofcom is considering whether we are satisfied that the individual or company has used telephone numbers to cause serious or repeated harm to consumers;
- will be refused the allocation of numbers from the 070, 087 (excluding 0870) and 09 ranges by Ofcom while they are on the list; and
- are likely to be refused the assignment of further 070, 087 (excluding 0870) and 09 numbers by communications providers and resellers, as they have been encouraged to implement the CPT or comparable test to refuse the assignment of numbers to individuals or companies that are listed on the CPT Lists.

- 3.11 We have a duty to consider applications for numbers from communications providers on the under assessment list as we have not, at that point, concluded our assessment on whether we are satisfied that the individual or company has used numbers to cause serious or repeated harm to consumers. Accordingly, any individual or company on the under assessment list may still apply to Ofcom for the allocation of numbers and we will be required to process that application within the time period specified in the Act. This is currently three weeks from receipt of the application or where additional information has been requested, receipt of such further information. This has implications for the timescales for assessment under the CPT (see paragraph 2.47).

### What does it mean for individuals and companies who are placed on the number refusal list?

- 3.12 Individuals and companies who are placed on the number refusal list:

- will be listed on a publicly available list showing that Ofcom is satisfied that the individual or company has used telephone numbers to cause serious or repeated harm to consumers;
- will be refused the allocation of numbers from the 070, 087 (excluding 0870) and 09 ranges by Ofcom while they are on the list; and
- are likely to be refused the assignment of further 070, 087 (excluding 0870) and 09 numbers by communications providers and resellers, as they have been encouraged to implement the CPT or comparable test to refuse the assignment of numbers to individuals or companies that are listed on the CPT Lists.

## Section 4

# Ofcom's and providers' responsibilities in relation to the CPT Lists

### How will Ofcom use the CPT Lists?

- 4.1 When we receive an application for telephone numbers in the 070, 087 (excluding 0870) and 09 ranges, we will check the applicant's details against the CPT Lists to ensure that the applicant (and, if the applicant is a company, its directors) is not listed. The application forms for 07, 08 and 09 numbers request sufficient information for us to identify the applicant (and, if the applicant is a company, its directors) and determine whether they are listed.

### What information do applicants need to provide to Ofcom when applying for 07, 087 (excluding 0870) and 09 numbers?

- 4.2 In order for us to adequately identify numbering applicants, the relevant numbering application forms must be completed accurately, providing all requested identification information on the company, company directors and individuals as relevant. For companies, such information includes company directors' full name, home address and date of birth. A copy of the Companies House 'Appointments Report' listing the directors of the company must also be provided with the first application that requests it and with subsequent applications whenever there has been a change to the Appointments Report. Individual applicants and those applying as part of a partnership or as a proprietor of an unincorporated entity, are also required to provide name, address and date of birth details.
- 4.3 The provision of false or inaccurate information (such as false director names or the omission of particular directors' names) on the numbering application forms may be a breach of the Numbering Condition and therefore subject to action from Ofcom under sections 94 to 96 of the Communications Act.

### What should providers who assign or sub-allocate numbers to others do with the CPT Lists when they receive applications for 070, 087 (excluding 0870) and 09 numbers?

- 4.4 Providers are expected to take consumer protection into account when considering applications for number assignment. They are encouraged to implement the same CPT or a comparable consumer protection test into their number assignment processes. We have published the CPT Lists to assist providers in taking reasonably practicable steps to secure effective use of 070, 087 (excluding 0870) and 09 numbers and we expect providers to consult the CPT Lists to ensure that they do not assign or sub-allocate numbers in the 070, 087 (excluding 0870) and 09 ranges to any individual or company while they are listed.