

SCHEDULE 1

Regulation 9(1) and (2)

INSERTIONS INTO STANDARD SCHEDULES REGULATIONS

PART I

New definitions

“Donor Operator” means an Operator or Service Provider whose customer number(s) are in the process of being, or have been passed or ported to a Recipient Operator;

“Mobile Portability” means Portability relating to Numbers allocated for use with Mobile Radio Telecommunication Services;

“Non-Geographic Portability” means Portability relating to Numbers allocated in accordance with the rules for the allocation of Number Ranges other than Geographic Number Ranges as provided for in the National Numbering Conventions but excluding Portability relating to Numbers allocated for use with Mobile Radio Telecommunications Services and Radiopaging Services;

“Number Portability” means a facility whereby Subscribers who so request can retain their number on a Fixed Public Telephone System and the integrated services digital network (ISDN), independent of the organisation providing the service at the Network Termination Point of a Subscriber at a specific location in the case of Geographic Portability or at any location in the case of Non-Geographic Portability;

“Paging Portability” means Portability relating to Numbers allocated for use with Radiopaging Services;

“Portability” means any facility which may be provided by the Licensee to an Operator or to a Service Provider enabling any Subscriber who requests Number Portability to continue to be provided with any telecommunication service by reference to the same Number irrespective of the identity of the person providing such a service;

“Radiopaging Service” means telecommunication services consisting in the conveyance of Messages by means of Wireless Telegraphy where every message, apart from simple acknowledgement, is ultimately transmitted from a Station for Wireless Telegraphy comprised in the Applicable Systems run by the Licensee to a Station for Wireless Telegraphy or Wireless Telegraphy Apparatus that is not comprised in those Applicable Systems;

“Recipient Operator” is an Operator or Service Provider to whom customer number(s) are in the process of being, or have been passed or ported from a Donor Operator;

“System Set-up Costs” means costs of the Donor Operator incurred—

- (a) in the course of making network and system modifications, configuration and reconfiguration, including adapting or replacing software;
- (b) in the course of testing functionality within the Applicable System and in conjunction with any Recipient Operator’s systems;

anywhere within the licensed area thereby establishing the technical and administrative capability to provide Portability.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Telecommunications (Interconnection) (Number Portability, etc.) Regulations 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART II

New Condition

Condition 28

NUMBER PORTABILITY

28.1 The Licensee shall provide Number Portability on reasonable terms to any of its Subscribers who notify the Licensee in writing that they require it to provide them with Number Portability.

28.2 Pursuant to a request for Portability made to it by an Operator or a Service Provider, the Licensee shall provide Portability (other than Mobile Portability or Paging Portability) in relation to that request on reasonable terms in accordance with the Functional Specification and with the following provisions provided that any charges for provision of such Portability shall be made by the Licensee in accordance with the following principles:

- (a) subject always to the requirement of reasonableness, charges shall be based, unless the charges made by British Telecommunications plc for the provision of telecommunication services under Condition 69 of its Licence granted under section 7 of the Act shall be incremental costs, in which case the basis for charges shall be incremental costs, on the fully allocated costs of providing Portability unless the Donor and Recipient Operator shall have agreed another basis for charges, or the Director shall have determined, following an application by either of them, that another basis for charges should be used;
- (b) the Donor Operator shall make no charge in relation to any System Set-Up Costs;
- (c) subject to sub-paragraph 28.2 (b), the Recipient Operator shall pay charges based on the reasonable costs incurred by the Donor Operator in providing Portability with respect to each Number which, subject to sub-paragraph 28.2 (d) may be paid by way of specific elements of the provision of the facility;

28.3 Where a request for Portability referred to in paragraph 28.2 has been given, the Licensee or the Operator requesting Portability may refer in writing to the Director for his determination any question as to the reasonableness of:

- (a) the request for the provision of Portability, taking into account the technical and operational characteristics of the Licensee's Applicable Systems and, if relevant, those of the applicable systems of the Operator requesting Portability;
- (b) the costs incurred in providing Portability (other than Mobile Portability or Paging Portability);
- (c) the categorisation of costs;
- (d) the proposed use or use of a higher cost method in proposing to implement or implementing any aspect of Portability (other than Mobile Portability or Paging Portability) where a lower cost method could or ought to have been used;
- (e) the charges to be made for providing Portability (other than Mobile Portability or Paging Portability);
- (f) the basis for calculating such charges.

28.4 Before making any determination under paragraph 28.3 the Director shall consult with the Licensee and the relevant Operator and with Interested Parties and take into account any representations made by them.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Telecommunications (Interconnection) (Number Portability, etc.) Regulations 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

28.5 If requested in writing by the Director, the Licensee shall provide to the Director a record of each number in relation to which it is providing Portability (other than Mobile Portability or Paging Portability), specifying the relevant Operator or Service Provider in each case.

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Changes and effects yet to be applied to :

- Regulations revoked by [2003 c. 21 Sch. 19\(2\)](#)