

## SCHEDULE 1

### INSERTIONS INTO STANDARD SCHEDULES REGULATIONS

## 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.

**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*

**28.4** 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.

**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.

**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.

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**Changes and effects yet to be applied to :**

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