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## STATUTORY INSTRUMENTS

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# 2000 No. 2410

## TELECOMMUNICATIONS

### The Telecommunications (Services for Disabled Persons) Regulations 2000

<i>Made</i>	- - - -	<i>6th September 2000</i>
<i>Laid before Parliament</i>		<i>7th September 2000</i>
<i>Coming into force</i>	- -	<i>2nd October 2000</i>

The Secretary of State, being a Minister designated<sup>M1</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>M2</sup> in respect of measures relating to telecommunications, in exercise of the powers conferred on him by that section, hereby makes the following Regulations:—

#### Marginal Citations

**M1** [S.I. 1996/266](#).

**M2** [1972 c. 68](#).

#### Citation and commencement **U.K.**

1. These Regulations may be cited as the Telecommunications (Services for Disabled Persons) Regulations 2000 and shall come into force on 2nd October 2000.

#### Interpretation **U.K.**

2. In these Regulations—

“the Act” means the Telecommunications Act 1984<sup>M3</sup>;

“BT” means British Telecommunications plc;

“BT Cellnet” means Telecom Securicor Radio Limited;

“the BT licence” means the licence granted by the Secretary of State under section 7 of the Act to British Telecommunications on 22nd June 1984 in relation to which BT became the licensee as the nominated successor company on the transfer date<sup>M4</sup> as modified by the Telecommunications (Licence Modification) (British Telecommunications plc) Regulations 1999<sup>M5</sup>;

“the cable and local delivery operator licences” means the licences granted by the Secretary of State under section 7 of the Act to the persons specified in Schedules 1 and 2 to the

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Telecommunications (Licence Modification) (Cable and Local Delivery Operator Licences) Regulations 1999 <sup>M6</sup> as modified by those Regulations, and any other licences granted after the coming into force of the aforementioned Regulations and subject to substantially the same terms and conditions as the aforementioned licences;

“the fixed voice telephony and international facilities operator licences” means the licences granted by the Secretary of State under section 7 of the Act to the persons specified in Schedules 1 and 2 to the Telecommunications (Licence Modification) (Fixed Voice Telephony and International Facilities Operator Licences) Regulations 1999 <sup>M7</sup> as modified by those Regulations and any other licences granted after the coming into force of the aforementioned Regulations and subject to substantially the same terms and conditions as the aforementioned licences;

“the Kingston licence” means the licence granted by the Secretary of State under section 7 of the Act to Kingston Communications (Hull) PLC on 30th November 1987 as modified by the Telecommunications (Licence Modification) (Kingston Communications (Hull) PLC) Regulations 1999 <sup>M8</sup>;

“the mobile licences” means the licences granted by the Secretary of State under section 7 of the Act to each of BT Cellnet on 22nd March 1994, to Dolphin Telecommunications Limited (formerly known as TetraLink Telecommunications Limited) on 12th December 1997, to One2One on 9th May 1995, to Orange Personal Communications Services Limited on 27th July 1995 and to Vodafone Limited on 9th December 1993 and, in the case of each licence, as modified by the Telecommunications (Licence Modification) (Mobile Public Telecommunication Operators) Regulations 1999 <sup>M9</sup>;

“One2One” means Mercury Personal Communications Limited; and

“the payphone operator licences” means the licences granted by the Secretary of State under section 7 of the Act to Infolines Public Network Limited and NWP Communications Limited, both dated 31st August 2000.

#### Marginal Citations

- M3** 1984 c. 12; section 7 is subject to amendments not relevant to these Regulations.
- M4** The transfer date appointed under section 60 of 1984 c. 12 was 6th August 1984 (S.I. 1984/876, **article 5**).
- M5** S.I. 1999/2453, to which there are amendments not relevant to these Regulations.
- M6** S.I. 1999/2454.
- M7** S.I. 1999/2451, to which there are amendments not relevant to these Regulations.
- M8** S.I. 1999/2455.
- M9** S.I. 1999/2452.

#### Amendment to the Telecommunications (Licence Modification) (Standard Schedules) Regulations 1999 **U.K.**

3. Schedule 1 to the Telecommunications (Licence Modification) (Standard Schedules) Regulations 1999 <sup>M10</sup> shall be amended as follows:

- (a) in the definition of “Directory Information Service” in paragraph 1 of Part 1 there shall be inserted after “Conditions 2” the number “, 25”;
- (b) in Condition 2, paragraph 9 shall be deleted and paragraph 10 shall be renumbered 9;
- (c) for Condition 25 there shall be substituted the Condition set out in Schedule 1 hereto; and

- (d) in paragraph 11 of Condition 64, for the words “Supply and Connection of Apparatus for Disabled People” there shall be substituted the words “ Services for Disabled Persons ”.

#### **Marginal Citations**

**M10** S.I. 1999/2450, to which there are amendments not relevant to these Regulations.

### **Modification of licences to include the Services for Disabled Persons condition U.K.**

**4.—(1)** In the Table of Contents of the fixed voice telephony and international facilities operator licences, the cable and local delivery operator licences and the mobile licences, for the words “25. Supply and Connection of Apparatus for Disabled People” there shall be substituted the words “ 25. Services for Disabled Persons ”.

(2) The BT Licence shall be modified as follows:

- (a) in the Table of Contents, for the words “25. Supply and Connection of Apparatus for Disabled People” there shall be substituted the words “ 25. Services for Disabled Persons ”;
- (b) in paragraph 1 of Part 1 of Schedule 1—
- (i) in the definition of “Directory Information Service” there shall be inserted after “ Conditions 2 ” the number “ , 25 ”;
- (ii) the definition of “Fault Repair Service” shall be deleted;
- (c) in Condition 68, paragraphs 3 and 5 shall be deleted and paragraphs 4, 6 and 7 shall be renumbered 3, 4 and 5 respectively; and
- (d) in the renumbered paragraph 5 of Condition 68, for the definition of “textphone” there shall be substituted the following:
- ““textphone” means an integrated terminal incorporating an alphanumeric keyboard and a means of displaying text, intended for connection to the public switched telephone network for the sole or primary purpose of supporting live telephone conversations between two or more users.”

(3) The Kingston Licence shall be modified as follows:

- (a) in the Table of Contents, for the words “25. Supply and Connection of Apparatus for Disabled People” there shall be substituted the words “ 25. Services for Disabled Persons ”;
- (b) in paragraph 1 of Part 1 of Schedule 1, the definition of “Fault Repair Service” shall be deleted; and
- (c) in Condition 25 (as substituted by virtue of regulation 3(c) above), for paragraph 13(b) there shall be substituted the following:
- “not later than 2nd October 2002, ensure that at least 50% of its Public Call Boxes are accessible by reasonable means to users in wheelchairs;”.

(4) The payphone operator licences shall be modified as follows:

- (a) in the Table of Contents, for the words “10. Supply and Connection of Apparatus for Disabled People” there shall be substituted the words “ 10. Services for Disabled Persons ”; and
- (b) for Condition 10 there shall be substituted the Condition set out in Schedule 2 hereto.

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6th September 2000

*Patricia Hewitt,*  
Minister of State for Small Business and E-  
Commerce,  
Department of Trade and Industry

Condition 25

**SERVICES FOR DISABLED PERSONS**

**25.1** In this Condition:

“customer” in the context of a person who is a customer of the Licensee means a person who rents an exchange line from the Licensee or a person using such an exchange line with the authority of a person who does so rent one;

“customers who need to use Textphones because of their disabilities” means customers of the Licensee who are deaf, deaf-blind or speech-impaired;

“Fault Repair Service” means a service consisting in such repair, maintenance, adjustment or replacement of any of the Applicable Systems, or such repair or adjustment of any Relevant System, or such repair or replacement of any apparatus for which the Licensee has undertaken the responsibility for repair and maintenance, as is necessary to restore and maintain a sufficient service;

“Relay Service” means a service which:

- (i) provides facilities for the receipt and translation of voice messages into text and the conveyance of that text to the Textphone of customers of any operator, and *vice versa*, and
- (ii) has been recognised as a text relay service by means of a determination made by the Director; and

“Textphone” means an integrated terminal incorporating an alphanumeric keyboard and a means of displaying text, intended for connection to the public switched telephone network for the sole or primary purpose of supporting live telephone conversations between two or more users.

**25.2** Unless otherwise specified below, the Licensee shall comply with paragraphs 25.4 to 25.15 by 2nd October 2001 or within one year of the licence being granted, whichever is the later.

**25.3** The obligations contained in paragraphs 25.4 to 25.14 shall apply to the provision by the Licensee of Fixed Publicly Available Telephone Services, and paragraph 25.6(a) shall also apply to the provision by the Licensee of Publicly Available Telephone Services which are not Fixed Publicly Available Telephone Services.

**25.4** The Licensee shall take all reasonable steps to ensure that the services which it provides in order to comply with the obligations contained in this Condition are widely publicised, taking into consideration, where appropriate, the need to disseminate information in appropriate formats through appropriate channels for disabled persons.

**25.5** With immediate effect, the Licensee shall from time to time consult the Director who may then, if he thinks fit, seek the advice of:

- (a) any body established under section 54(4) of the Act for matters affecting persons who are disabled or of pensionable age; and
- (b) any other bodies recognised by the Director as representing the interests of disabled persons,

to ensure that the needs and interests of disabled persons are fully taken into account in the development and provision of its telecommunication services.

**25.6** With immediate effect:

- (a) the Directory Information Service provided by the Licensee under Condition 2.1 and Condition 2.8 shall include a service or information as the case may be which the Director

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determines to be satisfactory where the Directory Information is made available in a form which is appropriate to meet their needs to persons who are so blind or otherwise disabled as to be unable to use a telephone directory in a form in which it is generally available to persons to whom the Licensee provides services; and the services so provided to such persons shall be provided free of charge; and

- (b) following a request to be advised of a Number of a Subscriber by a person who is so blind or otherwise disabled as to be unable to use a telephone directory, the Licensee shall, upon that person's request, then connect the person to the Number so requested.

**25.7** The Licensee shall ensure that such of its customers who need to use Textphones because of their disabilities are able to access a Relay Service.

**25.8** Customers who need to use Textphones because of their disabilities shall be charged for the conveyance of such voice and text messages to which a Relay Service applies:

- (a) at no more than the Licensee's prevailing standard prices or such other charges as are, so far as reasonably practicable, equivalent to such prices as if that conveyance had been made directly between the caller's Network Termination Point and the Network Termination Point of the called person, except that the calling customer may be charged at the Licensee's standard local call prices for the element of the Relay Service which consists of calls made to the Relay Service provider in order to make a call to a called person irrespective of whether the call to the called person is successful; and
- (b) by the application of a special tariff scheme designed to compensate customers who need to use Textphones because of their disabilities, for the additional time taken to make telephone calls using a Relay Service.

**25.9** The Licensee shall ensure that any of its customers using Textphones:

- (a) have access to a Public Emergency Call Service, operator assistance and a Directory Information Service using short code numbers; and
- (b) receive call progress voice announcements in a form suitable for Textphone users.

**25.10** The Licensee shall, when notified of any fault or failure of any of the Applicable Systems or of a Relevant System or of any apparatus for which the Licensee has undertaken the responsibility for repair and maintenance which causes any interruption, suspension or restriction of the telecommunication services provided by means of that Applicable System or that Relevant System, provide to any residential customers with disabilities who have *abona fide* need for an urgent repair, a priority Fault Repair Service with a view to restoring those services as swiftly as practicable and with priority so far as is reasonably practicable over Fault Repair Services provided by the Licensee to other persons. Charges for a priority Fault Repair Service shall not exceed the standard charge for the Fault Repair Service.

**25.11** Without prejudice to Condition 14 (non-payment of bills), the Licensee shall make provision to ensure that such of its residential customers who are so disabled as to be dependent on the telephone are able to participate in a scheme to safeguard telephone services to such customers. The scheme shall—

- (a) enable such customers to give prior notification to the Licensee of a nominee to whom—
  - (i) that customer's telephone bill shall initially be sent; or
  - (ii) any enquiry to establish why a telephone bill has not been paid shall be made;
- (b) permit the nominee to pay that customer's telephone bill on his behalf;
- (c) require the nominee to give his prior consent to the Licensee to act in such capacity;
- (d) not require the nominee to accept liability to pay the telephone bills of that customer; and
- (e) be provided at no cost to the eligible customer.

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**25.12** The Licensee shall make available, free of charge, and in a format reasonably acceptable to any residential customer who is blind or whose vision is impaired, upon their request:

- (a) any contract (or any subsequent variation thereof) with that customer for the provision of Fixed Publicly Available Telephone Services (including any publicly available terms or conditions referred to in that contract or variation);
- (b) any bill rendered in respect of those services,

and an acceptable format would, for these purposes, consist of print large enough for such customer to read, Braille or electronic format appropriate to the reasonable needs of the customer.

**25.13** Where the Licensee provides Call Box Services at any Public Call Box, it shall:

- (a) with immediate effect, from time to time consult the Director who may then, if he thinks fit, seek the advice of:
  - (i) any body established under section 54(4) of the Act for matters affecting persons who are disabled or of pensionable age; and
  - (ii) any other bodies recognised by the Director as representing the interests of disabled persons,

on all future changes to the design of its Public Call Boxes to ensure that the needs and interests of disabled persons are fully taken into account in the development and provision of its Public Call Boxes;

- (b) ensure that at any time at least 75% of its Public Call Boxes are accessible by reasonable means to users in wheelchairs;
- (c) ensure that, not later than 2nd October 2002, at least 70% of its Public Call Boxes contain telephones incorporating additional receiving amplification;
- (d) with immediate effect, from time to time and in any event as the Director may require, consult the Director who may then, if he thinks fit, seek the advice of:
  - (i) any body established under section 54(4) of the Act for matters affecting persons who are disabled or of pensionable age; and
  - (ii) any other bodies recognised by the Director as representing the interests of disabled persons,

to ensure adequate provision, in terms of numbers and locations, of its Public Call Boxes incorporating textphone facilities. Where the Director is satisfied that such provision is inadequate, he may direct the Licensee to provide whatever level of Public Call Box textphone facilities he deems appropriate.

**25.14** At the written request of the Director, the Licensee shall, within three months of the making of such request, report to the Director on the measures being taken to ensure compliance with this Condition in such form as shall be reasonably required by the Director when making the request for the report.

**25.15** The Director may publish the information provided in the report.

## SERVICES FOR DISABLED PERSONS

**10.1** In this Condition:

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“Relay Service” means a service which—

- (i) provides facilities for the receipt and translation of voice messages into text and the conveyance of that text to the Textphone of customers of any operator, and *vice versa*, and
- (ii) has been recognised as a text relay service by means of a determination made by the Director; and

“Textphone” means an integrated terminal incorporating an alphanumeric keyboard and a means of displaying text, intended for connection to the public switched telephone network for the sole or primary purpose of supporting live telephone conversations between two or more users.

**10.2** Unless otherwise specified below, the Licensee shall comply with paragraphs 10.4 to 10.10 by 2nd October 2001.

**10.3** The obligations contained in this Condition shall apply to the provision by the Licensee of Call Box Services at any Public Call Box comprised in the Applicable Systems.

**10.4** The Licensee shall take all reasonable steps to ensure that the services which it provides in order to comply with the obligations contained in paragraphs 10.5 to 10.10 are widely publicised, taking into consideration, where appropriate, the need to disseminate information in appropriate formats through appropriate channels for disabled persons.

**10.5** With immediate effect, the Licensee shall from time to time consult the Director who may then, if he thinks fit, seek the advice of:

- (a) any body established under section 54(4) of the Act for matters affecting persons who are disabled or of pensionable age; and
- (b) any other bodies recognised by the Director as representing the interests of disabled persons,

to ensure that the needs and interests of disabled persons are fully taken into account in the development and provision of its telecommunication services.

**10.6** With immediate effect:

- (a) the directory information service provided by the Licensee under Condition 2 shall include a service or information as the case may be which the Director determines to be satisfactory where the directory information is made available in a form which is appropriate to meet their needs to persons who are so blind or otherwise disabled as to be unable to use a telephone directory in a form in which it is generally made available by the Licensee to users of its Public Call Boxes who are not so disabled; and the services so provided to such persons shall be provided free of charge; and
- (b) following a request to be advised of a Number by a person who is so blind or otherwise disabled as to be unable to use a telephone directory, the Licensee shall, upon that person’s request, then connect the person to the Number so requested.

**10.7** The Licensee shall ensure that all Textphones located in its Public Call Boxes provide access to a Relay Service.

**10.8** The Licensee shall ensure that all Textphones located in its Public Call Boxes:

- (a) have access to a Public Emergency Call Service, operator assistance and a directory information service using short code numbers; and
- (b) receive call progress announcements in a form suitable for Textphone users.

**10.9** Where the Licensee provides Call Box services at any Public Call Box, it shall:

- (a) with immediate effect, from time to time consult the Director who may then, if he thinks fit, seek the advice of:



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- (i) any body established under section 54(4) of the Act for matters affecting persons who are disabled or of pensionable age; and
- (ii) any other bodies recognised by the Director as representing the interests of disabled persons,

on all future changes to the design of its Public Call Boxes to ensure that the needs and interests of disabled persons are fully taken into account in the development and provision of its Public Call Boxes;

- (b) ensure that at any time at least 75% of its Public Call Boxes are accessible by reasonable means to users in wheelchairs;
- (c) ensure that, not later than 2nd October 2002, at least 70% of its Public Call Boxes contain telephones incorporating additional receiving amplification;
- (d) with immediate effect, from time to time and in any event as the Director may require, consult the Director who may then, if he thinks fit, seek the advice of:
  - (i) any body established under section 54(4) of the Act for matters affecting persons who are disabled or of pensionable age; and
  - (ii) any other bodies recognised by the Director as representing the interests of disabled persons,

to ensure adequate provision, in terms of numbers and locations, of its Public Call Boxes incorporating textphone facilities. Where the Director is satisfied that such provision is inadequate, he may direct the Licensee to provide whatever level of Public Call Box textphone facilities he deems appropriate.

**10.10** At the written request of the Director, the Licensee shall, within three months of the making of such request, report to the Director on the measures being taken to ensure compliance with this Condition in such form as shall be reasonably required by the Director when making the request for the report.

**10.11** The Director may publish the information provided in the report.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further implement Article 8 of Directive [98/10/EC](#) of the European Parliament and of the Council on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment (O.J. No. L101, 26.2.98, p.24) ("the Revised Voice Telephony Directive").

Article 8 of the Revised Voice Telephony Directive was implemented in outline in the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998 (S.I. 1998/1580) by providing, at Regulation 12, for the Secretary of State and the Director General of Telecommunications to take specific measures, where they consider it appropriate, to ensure equal access to and affordability of fixed publicly available telephone services for disabled users and users with special social needs.

These Regulations, by modifying existing licences granted under section 7 of the Telecommunications Act 1984, impose on public telecommunications operators ("PTOs") obligations to make provision for disabled customers. They oblige PTOs to consult on matters

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relevant to disabled persons; to provide access to a text relay service; to operate a reduced charging structure for customers using textphones; to offer a priority fault repair service to eligible customers; to operate a "protected service" scheme to reduce disconnections; and, where public call boxes are operated by a PTO, to provide public call boxes which are adapted and equipped for disabled persons (Schedule 1 to the Regulations).

These Regulations also modify licences granted under section 7 of the 1984 Act to certain non-PTO public call box operators, obliging them to consult on matters relevant to disabled persons and on the design of public call boxes, and to provide public call boxes which are adapted and equipped for disabled persons (Schedule 2 to the Regulations).

The licences modified by these Regulations may be inspected at the Library of the Office of Telecommunications (OFTEL), 50 Ludgate Hill, London EC4M 7JJ. The licence granted to British Telecommunications plc is published by HMSO, price £19.95.

A regulatory impact assessment is available and can be obtained from Communications and Information Industries Directorate, Department of Trade and Industry, 151 Buckingham Palace Road, London SW1W 9SS. Copies have been placed in the libraries of both Houses of Parliament.

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