Amendments to the General Provisions (GEN)

Chapter 7

Charging consumers for telephone calls

GEN 7 : Charging consumers for telephone calls

	7.1 Application
7.1.1	Who? Where? This chapter applies to a <i>firm</i> carrying on activities from an establishment the <i>United Kingdom</i> . In relation to <i>regulated claims management activitie</i> this chapter applies with respect to activity carried on in <i>Great Britain</i> , even if the establishment from which it is carried on is not located in the <i>UK</i> (see REFC 3.44)
7.1.2	 PERG 2.4A). What? This chapter applies where a <i>firm</i> operates a telephone line for the purpose of enabling a <i>consumer</i> to contact the <i>firm</i> in relation to a contract that here a netered into with the <i>firm</i> in the course of, or in connection with:
7.1.3	 (1) regulated activities; or (2) payment services. MiFID firm exception This chapter does not apply for telephone lines provided in respect of
	contracts relating to the <i>MiFID business</i> of a <i>firm</i> . Payment services exception
7.1.4	 This chapter does not apply to telephone lines which: (1) enable payment service users to request information to which paragraph (2) of regulation 56 of the Payment Services Regulation applies; or (2) relate to the termination of a framework contract, unless: (a) the framework contract was concluded either for a fixed period of more than 12 months or for an indefinite period; and (b) at least 12 months of the framework contract have expired.
	Complaints exception
7.1.5	R This chapter does not apply for telephone lines provided by a <i>respondent</i>

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7.1.6	G	DISP 1.3 contains rules that apply for telephone lines provided by respondents for the purpose of enabling eligible complainants to submit complaints to a respondent.
		Application to firms carrying on credit-related regulated activities
7.1.7	G	An effect of GEN 7.1.1R and GEN 7.2.1R is that this chapter applies for contracts by which a <i>firm</i> provides, or agrees to provide, <i>credit broking</i> services. In particular, this chapter applies where a telephone line is operated by a <i>credit broker</i> so that following the entry into a contract for the provision of <i>credit broking</i> services, a <i>customer</i> is able to contact the <i>firm</i> with a view to entering into a <i>credit agreement</i> or a <i>consumer hire</i> agreement.
		Related consumer credit rules
7.1.8	G	The following provisions of <i>CONC</i> continue to apply where a <i>firm</i> operates a telephone line in respect of the relevant credit-related regulated activities but the <i>call charges rule</i> does not apply (for example, where a telephone line is operated for the purpose of enabling a consumer to contact the <i>firm</i> before a contract has been entered into):
		 CONC 2.5.8R and ■ CONC 2.5.9G (unfair business practices: credit broking);
		 (2) ■ CONC 2.6.3R and ■ CONC 2.6.4G (unfair business practices: debt counselling, debt adjusting and providing credit information services);
		(3) CONC 3.3.9G (financial promotions and communications);
		 (4) ■ CONC 3.9.5R and ■ CONC 3.9.6G (financial promotions and communications in relation to debt counselling and debt adjusting);
		(5) ■ CONC 7.9.5R (arrears, default and recovery); and
		(6) ■ CONC 8.7.6R (charging for debt counselling, debt advice and related services).
		Regulated benchmark administrators
7.1.9	R	This chapter does not apply to telephone lines provided in respect of contracts relating to a <i>firm's administration of a benchmark</i> .