

# CAP and BCAP consultation

## Changes to the rules on premium-rate telephone service advertising

**Annex A:** Mark-up showing proposed changes to the UK Advertising Codes



## Explanatory notes for Annex A

This annex includes a marked-up version of relevant parts of the UK Advertising Codes that relate to premium-rate telephone service (PRS) advertising showing the changes proposed as part of this consultation. It must be read in conjunction with the [consultation document](#) – in particular, section 4, which sets out CAP and BCAP’s reasoning for the proposed changes and how they intend the revised approach to function.

In this annex below:

- Part I sets out a mark-up of the proposed changes to the BCAP Code
- Part II sets out a mark-up of the proposed changes to the CAP Code.

The mark-up of changes denotes deletions in red text that has been struck out (for *example*), and additions in green (for *example*).

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## Part I – Proposed amendment to BCAP Code

The BCAP Code applies to all advertisements (including teleshopping, content on self-promotional television channels, television text and interactive TV ads) and programme sponsorship credits on radio and television services licensed by Ofcom.

For the reasons set out in part 4 of the [consultation document](#), BCAP proposes to make amendments to parts of the Code relevant to the PRS advertising. These are:

- Section 1 ([Compliance](#))
- Section 21 ([Betting tipsters](#))
- Section 22 ([Premium-rate telephone services](#))
- Section 27 ([Introduction and dating services](#))
- Section 32 ([Scheduling](#))

The proposed changes to the BCAP Code sections above are set out as follows in an abridged version of each affected section.

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### 1. Compliance

#### **Principle**

*The overarching principles of this Code are that advertisements should not mislead or cause serious or widespread offence or harm, especially to children or the vulnerable. Broadcasters are responsible for ensuring that the advertisements they transmit comply with both the spirit and the letter of the Code. All compliance matters (copy clearance, content, scheduling and the like) are the ultimate responsibility of each broadcaster.*

[...]

#### **Radio**

*"Special category" radio advertisements, whether broadcast locally, regionally or nationally, must be centrally cleared by Radiocentre. The code includes rules throughout that makes clear those categories of radio advertisement that must be centrally cleared. Broadcasters or their sales houses must hold a record of centrally cleared advertisements. For more information, go to clearance or telephone 020 7010 0608.*

*The special categories are:*

[...]

*Adult shops, stripograms, escort agencies and, premium-rate sexual entertainment services (see also [Section 22: Premium-rate telephone services](#))*

*Dating and introduction services*

[...]

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## 21. Betting tipsters

### Principle

Advertisements for betting tipster services should not be likely to mislead the audience.

[...]

### 21.6

Advertisements for a betting tipster service operating on a premium-rate phone line must ~~include the service provider or information provider's usual trading name and contact details~~ (see have regard to the arrangements detailed in Section 22: Premium-rate telephone services).

[...]

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## 22. Premium-rate telephone services

### Principle

Ofcom is responsible for regulating certain premium-rate telephone services (PRS) under powers in the Communications Act 2003 (as amended). Such services, including aspects of how they are advertised, must comply with The Regulation of Premium Rate Services Order 2024.

The ASA will refer relevant complaints it receives that fall under the 2024 Order to Ofcom. Aspects of an advertisement that are not within scope of the 2024 Order must comply with the BCAP Code.

~~The price and nature of premium-rate telephone services must be made clear. Advertisements that include premium-rate telephone numbers or short codes should comply with the Phone-paid Services Authority Code of Practice. For more information on the Phone-paid Services Authority code go to: psauthority.org.uk.~~

### Definition

PRS are any services that are charged for via a consumer's phone bill or pre-pay mobile credit, and are defined in the Communications Act 2003 (as amended). They offer some form of content, product or service (including a payment mechanism) that is charged via the user's telephone bill costing more than a normal phone call or text message. PRS are operated via numbers beginning with 084, 087, 090, 091, 098, 118 or on five- or six-digit mobile voice and text short codes usually beginning with '6', '7' or '8'.

~~Text short codes are premium-rate SMS services, which often consist of four or five digits and begin 5, 6 or 8.~~

## Rules

*[Rules 22.1–22.8 deleted on XX XXXX 2026]*

~~22.1— Advertisements that include a premium-rate telephone number must comply with the Phone-paid Services Authority Code of Practice.~~

~~22.2— Advertisements for premium-rate telephone services must include clear pricing information if the service generally costs 50 pence per call or more.~~

~~22.3— Advertisements for premium-rate children's services, services accessed by automated equipment or subscription services must always include clear pricing information.~~

~~22.4— Advertisements for premium-rate services must state the identity of the service provider or the information provider.~~

~~22.5— Radio only— If it is not included in the advertisement, radio broadcasters must retain and, on request, make available a non-premium-rate telephone number for the premium-rate service for customer care purposes. This rule does not apply if the Phone-paid Services Authority has expressly exempted a specific service or a number range from the need to provide a non-premium-rate telephone number for the premium-rate service.~~

~~22.6— Television only— Television advertisements for premium-rate services must include a non-premium-rate telephone number for customer care purposes. This rule does not apply if the Phone-paid Services Authority has expressly exempted a specific service or a number range from the need to provide a non-premium-rate telephone number for the premium-rate service.~~

~~22.7— Advertisements for services, excluding live or virtual chat services, that normally involve a telephone call of at least five minutes must alert the audience that use of the service might involve a long call.~~

~~22.8— Advertisements for live premium-rate services must not appeal particularly to people under 18, unless those services have received prior permission from the Phone-paid Services Authority to target people under 18.~~

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## 27 Introduction and dating services

### Background

Advertisements are acceptable, subject to rule 10.1.5: Prostitution and Sexual Massage and rule 10.2: Indirect Promotion. Broadcasters should take care to comply with Section 1: Compliance – in particular rule 1.2 on social responsibility and Section 4: Harm and Offence. Services operating through premium-rate telephone ~~and text~~ services are subject to *the arrangements detailed in* Section 22: Premium-rate telephone services ~~and the Phone-paid Services Authority code~~.

~~For more information on the Phone-paid Services Authority code go to:  
psauthority.org.uk~~

[...]

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## 32. Scheduling

### Principle

*Broadcasters must take special care when scheduling advertisements that might be unsuitable for children or young persons or the audience of religious programmes or for broadcast around sensitive programming or news items.*

[...]

### Rules

#### Scheduling of television and radio advertisements

[...]

32.2 – *These may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:*

[...]

~~32.2.6 – *live premium-rate services, unless those services have received prior permission from the Phone-paid Services Authority to target people under 18*~~

*[Rule deleted on XX XXX 2026]*

[...]

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## Part II – Proposed amendments to the CAP Code

The CAP Code applies to all marketing communications in non-broadcast media.

For the reasons set out in part 4 of the [consultation document](#), CAP proposes to make amendments to the CAP Code's 'Scope of the Code' section, which sets out its remit.

The proposed changes are set out as follows in an abridged version of the effected section:

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### **'Scope of the Code'**

*II The Code does not apply to: [...]*


*b. the contents of premium-rate **telephone** services, which are the responsibility of **Ofcom** ~~the Phone-paid Services Authority~~; marketing communications that promote those services are subject to **Ofcom** ~~Phone-paid Services Authority~~ regulation **where a particular aspect of the communication is within scope of The Regulation of Premium Rate Services Order 2024**, and to the CAP Code **in relation to aspects of the communication not within scope of the 2024 Order***

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