

# CAP and BCAP consultation

Changes to the rules on premium-rate telephone service advertising

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## 1. Executive summary

The Committee of Advertising Practice (CAP), author of the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) and the Broadcast Committee of Advertising Practice (BCAP), author of the UK Code of Broadcast Advertising (BCAP Code) are consulting on changes to the way the UK Advertising Codes regulate advertising relating to premium-rate telephone services (PRS).

Ofcom is responsible for regulating PRS in the UK under powers in the Communications Act 2003 (as amended). It has [recently changed](#) the way the framework is administered assuming direct responsibility for day-to-day regulation and enforcement under a new statutory order, [The Regulation of Premium Rate Services Order 2024](#).

This development has implications for the ASA's regulation of advertising relating to PRS. CAP and BCAP are consulting on proposed changes to the UK Advertising Codes with the aim of updating them to better reflect and join up to the new statutory framework.

Alongside general, technical updates to reflect the new statutory framework, BCAP proposes to remove its PRS-specific rules and align its approach with that of the CAP Code in referring advertising-related complaints within scope of the statutory framework to Ofcom. Advertisements must comply with the statutory regime for PRS when they are covered by provisions of the 2024 Order. Aspects of advertisements not subject to the statutory regime will continue to be regulated under relevant general provisions of the UK Advertising Codes (for instance, on misleadingness or harm of offence).

Section 2 of this document summarises the regulatory framework for PRS and how it has changed recently. Section 3 explains the current approach of the UK Advertising Codes. Respondents are invited to indicate whether they agree or disagree with the proposals set out in section 4. The consultation questions are in section 5. Background detail on the ASA, CAP and BCAP is included in sections 6 and 7.

**The consultation will run for six weeks and will close at 5pm on 22 July 2026. For more information on how to respond, please see section 8 below.**

## 2. Regulatory framework for PRS

### 2.1 Premium-rate telephone services

'PRS' are services that are charged for via a consumer's phone bill or pre-pay mobile credit. They are defined in the [Communications Act 2003](#) (as amended).

PRS offer some form of content, product or service (including a payment mechanism) such as access to music and video streaming platforms, charity donations by text, voting on TV talent shows, broadcast competitions, directory enquiries and app store purchases including in-app content such as add-ons for games. Services may be accessed by way of a conventional voice call or short messaging service (SMS), but increasingly by through other devices; computers, smartphones or interactive digital TV. PRS vary in cost, but they tend to cost more than a normal phone call or text message 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'.

Ofcom has [published a guide](#) to various aspects of PRS.

### 2.2 PRS regulation since 2003

Under the Communications Act 2003, Ofcom is responsible for regulating a subset of PRS known as 'controlled PRS'. A key rationale for this is that certain services pose consumer protection risks that cannot effectively be mitigated by general consumer protection standards and require dedicated measures to address potential harms.

For many years, Ofcom contracted out responsibility to the Phone-paid Services Authority (PSA) (previously known as the Independent Committee for the Supervision of Standards of Telephone Information Services (ICTIS), and then PhonePay Plus (PP+)). The PSA set and enforced standards through a code of practice applying to parties involved in provision of PRS. This included specific standards relating to the advertising aiming to ensure responsibility, especially in relation to the protection of under-18s, and to ensure provision of necessary information to consumers.

The ASA system has long had a role in regulating advertising for PRS themselves, and ads including references to PRS as response mechanisms. The UK Advertising Codes reflect the special arrangements for PRS by including provisions on the need to comply dedicated regulatory framework for ads appearing in non-broadcast and broadcast media respectively. The CAP and BCAP Codes presently refer to and link to the PSA code.

### 2.3 Recent changes to the regulatory framework

From February 2025, Ofcom assumed direct responsibility for regulating PRS under a statutory order, [The Regulation of Premium Rate Services Order 2024](#), replacing the PSA Code edition 15 with the PSA being disbanded. Ofcom is now the body responsible for [regulating](#) PRS and enforcing the statutory framework. This includes provisions relating to the advertising of services within scope of the 2024 Order drawing on the preexisting approach under the PSA.

The 2024 Order includes several parts relevant to advertising:

- Information provided to consumers in carrying out a regulated activity ([Article 22](#)).
- Promoting and marketing services to children ([Article 23](#)).
- Factual claims made in promotion and marketing about a controlled PRS ([Article 24](#)).
- Usage requirements for some types of controlled PRS to be stated in promotion and marketing ([Article 25](#)).
- Prohibition on provision of types of controlled PRS to persons under the age of 18 ([Article 47](#)).
- Age verification for some types of controlled PRS ([Article 48](#)).
- Information to be provided before entering into a controlled PRS contract ([Schedule 3](#)).

#### 2.4 Ofcom's rationale for the changes

Ofcom [published a statement](#) in October 2024 confirming the change to the regulatory framework following a period of consultation on proposed changes prompted by a strategic review carried out by the PSA. The following is a summary of Ofcom's rationale:

- The telecoms market generally has transitioned from voice-based services to mobile data-based services, with consumers increasingly using smartphones to access online services, and make purchases.
- The PRS market has changed significantly with legacy services in decline and the rapid growth of PRS provided by global tech platforms.
- PRS remains important to consumers; a majority of adults used them in 2023/4 with use highest among younger cohorts.
- Mobile-based services account for over 90% of PRS usage.
- Operator billing for items like games, entertainment and betting, gambling and lotteries, accounted for over half of consumer spend in 2023/24, with premium-rate SMS continuing to perform strongly driven largely by broadcast competitions.
- Where previously the market was characterised by a large number of relatively small providers including a small minority of companies that caused consumer harm, the vast majority of market revenue is now provided by larger organisations such as Apple, Global, ITV, Sony and Google.

Ofcom's statement concluded that evidence presented indicated that, as a sector, PRS was increasingly compliant with regulatory obligations, with low levels of complaints and a wide range of services valued by consumers.

## 3. UK Advertising Codes and PRS advertising

### 3.1 Current approach

The UK Advertising Codes presently have slightly different approaches in how they join up with the underlying regulatory framework for PRS. The CAP and BCAP Codes both specify the need to comply with the dedicated regulatory framework as it relates to advertising, but the BCAP Code includes further, specific rules. [Section 22](#) was introduced after the [2009 Code review](#) reflecting relevant provisions of what was then the Phone Pay+ code.

### 3.2 Current BCAP rules

The BCAP Code section 22 (Premium-rate telephone services) includes specific rules for PRS advertising.

#### **Principle**

*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](http://psauthority.org.uk).*

#### **Definition**

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

#### **Rules**

*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.*

Additionally, in Section 32 (Scheduling), there is a further requirement for PRS advertising in relation to ad targeting:

### ***Scheduling of television and radio advertisements***

*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*

Alongside the content and scheduling restrictions, the BCAP also references PRS in related sections:

- [Section 1](#) (Compliance) requiring ‘special category’ radio ads to be centrally cleared, including PRS sexual entertainment services.
- [Section 21](#) (Betting tipsters) rule 21.6 requires ads including premium-rate phone line to state the service/information provider's usual trading name and contact details.
- [Section 27](#) (Introduction and dating services) states the need to comply with the PRS rules and PSA code.

### **3.3 Current CAP Code approach to PRS advertising**

The CAP Code does not have dedicated rules for PRS advertising. The [Scope of the Code](#) section explains the approach to relevant ads in non-broadcast media:

*II(b) – The Code does not apply to: [...] the contents of premium-rate services, which are the responsibility of the Phone-paid Services Authority; marketing communications that promote those services are subject to Phone-paid Services Authority regulation and to the CAP Code*

## 4. Responding to changes in the regulatory framework

### 4.1 Impact on the UK Advertising Codes

Following the introduction of the new PRS framework by Ofcom in 2025, CAP and BCAP launched a review process to consider how to update the Codes. Section 22 of the BCAP Code was the primary focus, but other PRS-relevant references in both Codes were also considered.

The Committees concluded that the aim of facilitating a joined-up approach between the ASA system and the statutory regime is consistent with the new PRS framework. However, analysis revealed significant misalignment between the dedicated rules in section 22 of the BCAP Code and the new 2024 Order. There are BCAP rules that do not reflect the Order, and parts of the Order that are not reflected in the Code. [Annex B](#) for a more detailed analysis comparing the Codes to the 2024 Order.

### 4.2 Policy considerations and basis for consultation

After liaising with Ofcom, in its role as statutory PRS regulator and as co-regulator for broadcast advertising, CAP and BCAP conclude that a consultation is necessary to update the way PRS-related advertising is treated under the UK Advertising Codes – in particular, in relation to the BCAP Code.

In Ofcom's view there has been a general improvement in levels of regulatory compliance for PRS, and CAP and BCAP note there have been few complaints to the ASA focusing specifically on PRS-related matters in advertising over the past 15 years. As a consequence, the ASA has not issued a ruling under the PRS-specific rules in section 22 of the BCAP Code. CAP and BCAP are therefore satisfied that the risk of significant consumer harm driven by PRS advertising is likely to be low. There is therefore a strong case to simplify the Codes' approach to PRS advertising and more efficiently join up the ASA's regulation to the statutory framework under Ofcom.

### 4.3 Proposed changes to the Codes

In response to the points raised in 4.2 above, the Committees propose the following changes to the Codes:

i) Removal of the PRS-specific rules from the BCAP Code – BCAP considers that the misalignment between section 22 of the BCAP Code and the 2024 Order is most effectively addressed by removing the rules in section 22, and other PRS-related rules: 21.6 in section 21 (Betting tipsters), and 32.26 in section 32 (Scheduling).

ii) Signposting of the need to comply with the 2024 Order – BCAP considers that it is proportionate and most effective for the BCAP Code to adopt an approach analogous to the existing approach of the CAP Code. The revised section 22 will state the requirement for relevant broadcast advertisements to comply with the 2024 Order under Ofcom's regulation and that, where the order does not apply to a particular aspect of an ad, it must comply with the rest of the rules in the BCAP Code.

iii) Retention of the existing approach in the CAP Code – CAP does not propose changes to its approach to PRS advertising. The Scope of the Code will continue to

specify that ads promoting PRS must comply with the underlying statutory regime and the CAP Code's rules. However, as BCAP proposes under (ii) above to align with CAP's approach, it is appropriate to invite comments on that approach to ensure both Committees can consider the matter from the perspective of their respective Codes.

iv) Technical updates to PRS-related references – CAP and BCAP will update all the Codes' references to PRS and its regulatory framework to ensure they reflect the new arrangements under Ofcom and the 2024 Order.

A mark-up of the proposed changes to the Codes is included in [Annex A](#). Respondents must review this document before answering the consultation questions below. Part I of this Annex sets out changes to relevant parts of the BCAP Code and Part II includes the changes to the CAP Code.

#### 4.4 How the updated approach to ASA regulation of PRS advertising will function

CAP and BCAP acknowledge the need to consider proposals that are mainly technical in nature from the perspective of consumers who may have concerns about PRS advertising. The Committees intend the new arrangements to facilitate a clear, joined-up approach to PRS advertising regulation respecting the division of regulatory responsibility; in particular, as a consumer complaint may relate both to the service itself and to its advertising.

The ASA will continue to assess complaints it receives about PRS-related matters with a view to referring them to Ofcom where there is a potential compliance issue under the 2024 Order. The 2024 Order is wide in its scope of application covering relevant aspects of advertising across media and conferring potential liability for compliance on broadcasters, advertisers, and PRS providers.

At the same time, to secure against regulatory gaps, there is scope for the ASA to apply general provisions of the UK Advertising Codes to aspects of an advertisement falling outside the scope of the 2024 Order. The principal examples are misleading claims, issues of harm or offence, and sector-specific rules covering advertising for services like gambling and lotteries. This is important given Ofcom's decision to apply the 2024 Order to a narrower sub-set of PRS, categorized as "controlled PRS", when compared to the PSA code, which preceded it.

CAP and BCAP are confident that the envisaged arrangement will ensure seamless regulation of all advertising promoting or featuring PRS of any kind. Respondents should note the ASA has long had an approach to referring relevant complaints to Ofcom where they relate to matters subject more directly to Ofcom regulation, for example, in relation to programme sponsorship and participation TV.

## 5. Consultation questions

Having regard to part 4 above, respondents are invited to provide comments in answer to the questions below:

1. Do respondents agree with the proposal to remove the PRS-specific rules from the BCAP Code as detailed in section 4.3(i) above and shown in the relevant part of [Annex A](#)? If not, please explain why, including any alternatives to the proposed approach.
2. Do respondents agree with the proposal to introduce into the BCAP Code signposting of the need to comply with the 2024 Order as detailed in section 4.3(ii) above and shown in the relevant part of [Annex A](#)? If not, please explain why, including any alternatives to the proposed approach.
3. Do respondents agree with the proposal to retain the existing approach to regulating PRS advertising in the CAP Code as detailed in section 4.3(iii) above? If not, please explain why, including any alternatives to the proposed approach.
4. Do respondents agree with the proposal to the technical updates to PRS-related references in the CAP and BCAP Codes as introduced in section 4.3(iv) above and detailed in [Annex A](#)? If not, please explain why, including any alternatives to the proposed approach.
5. Do respondents have any general comments beyond the questions above on the arrangements for regulating PRS advertising?

## 6. Introduction to UK advertising regulation

### 6.1 The Committee of Advertising Practice (CAP)

CAP is the self-regulatory body that creates, revises and enforces the UK Code of Non-Broadcast Advertising and Direct & Promotional Marketing (the CAP Code). The CAP Code covers non-broadcast marketing communications, which include those placed in traditional and new media, promotional marketing, direct marketing communications and marketing communications on marketers' own websites. The marketer has primary responsibility for complying with the CAP Code and their ads must comply with it. Ads that are judged not to comply with the Code must be withdrawn or amended. Parties that do not comply with the CAP Code could be subject to adverse publicity, resulting from rulings by the Advertising Standards Authority (ASA), or further sanctions including the denial of media space.

CAP's members include organisations that represent advertising, promotional and direct marketing and media businesses. Through their membership of CAP member organisations, or through contractual agreements with media publishers and carriers, those organisations agree to comply with the Code so that marketing communications are legal, decent, honest and truthful, and consumer confidence is maintained.

By practising self-regulation, the marketing community ensures the integrity of advertising, promotions and direct marketing. The value of self-regulation as an alternative to statutory control is recognised in EC Directives, including Directive 2005/29/EC (on unfair business to consumer commercial practices). Self-regulation is accepted by the Department for Business, Energy and Industrial Strategy and the courts as a first line of control in protecting consumers and the industry.

Further information about CAP is available at [www.asa.org.uk](http://www.asa.org.uk).

### 6.2 The Broadcast Committee of Advertising Practice (BCAP)

BCAP is the regulatory body responsible for maintaining the UK Code of Broadcast Advertising (the BCAP Code) under agreement with the Office of Communications (Ofcom). Ofcom has a statutory duty, under the Communications Act 2003, to maintain standards in TV and radio advertisements. In 2004, Ofcom entrusted BCAP and the broadcast arm of the ASA with the regulation of broadcast advertisements in recognition of CAP and the ASA's successful regulation of non-broadcast marketing for over 40 years, and in line with better regulation principles.

The BCAP Code regulates all advertisements on television channels and radio stations licensed by Ofcom and all advertisements on Sianel Pedwar Cymru (S4C) and S4C digital, including teleshopping channels and any additional television service (including television text services and interactive television services). The BCAP Code is enforced against Ofcom-licensed broadcasters, Sianel Pedwar Cymru (S4C) and S4C digital. Broadcasters are required by the terms of their Ofcom licence, and, for S4C, by statute, to adhere to the standards set out in the BCAP Code.

BCAP members include broadcasters and trade associations representing advertisers, broadcasters and agencies. BCAP must seek advice on proposed Code changes from an expert consumer panel, the Advertising Advisory Committee (AAC). Under Section 324 of the Communications Act 2003, BCAP must consult on proposed Code changes. BCAP strives to ensure that its rule-making is transparent, accountable, proportionate, consistent

and targeted where action is needed, in accordance with the Communications Act 2003. Ofcom must approve Code changes before BCAP implements them.

Further information about BCAP and the AAC is available at [www.asa.org.uk](http://www.asa.org.uk).

### 6.3 The Advertising Standards Authority (ASA)

The ASA is the independent body responsible for administering the CAP and BCAP Codes (the Codes) and ensuring that the self-regulatory system works in the public interest. The Codes require that all advertising is legal, decent, honest and truthful.

The ASA assesses complaints from the public and industry. Decisions on investigated complaints are taken by the independent ASA Council. The ASA Council's rulings are published on the ASA's website and made available to the media. If the ASA Council upholds a complaint about an ad, it must be withdrawn or amended.

An Independent Review Procedure exists for interested parties who are dissatisfied with the outcome of a case. CAP conducts compliance, monitoring and research to help enforce the ASA Council's decisions.

Information about the ASA is available at [www.asa.org.uk](http://www.asa.org.uk).

### 6.4 Funding

The entire system is funded by a levy on the cost of advertising space, administered by the Advertising Standards Board of Finance (Asbof) and the Broadcast Advertising Standards Board of Finance (Basbof). Both finance boards operate independently of the ASA to ensure there is no question of funding affecting the ASA's decision-making.

Information about Asbof and Basbof is available at [www.asa.org.uk/asbof](http://www.asa.org.uk/asbof) and [www.asa.org.uk/basbof](http://www.asa.org.uk/basbof).

## 7. Regulatory framework and the BCAP Code

### 7.1 Communications Act 2003

The [Communications Act 2003](#) (the Act) sets out provisions for the regulation of broadcasting and television and radio services, including provisions aimed at securing standards for broadcast advertisements. The most relevant standards objective to this consultation is:

[319\(2\)\(h\)](#) that the inclusion of advertising which may be misleading, harmful or offensive in television and radio services is prevented.

The Act requires Ofcom to set and, from time to time, review and revise, a Code containing standards for the content of broadcast advertisements carried by TV and radio services licensed under the Broadcasting Acts [1990](#) and [1996](#). Ofcom has contracted out the setting of advertising standards to BCAP under the [Contracting Out \(Functions Relating to Broadcast Advertising\) and Specification of Relevant Functions Order 2004](#). That function is exercised in consultation with and agreement of Ofcom.

## 8. How to respond and next steps

CAP and BCAP are committed to considering all responses carefully and with an open mind. The following summarises the consultation process and subsequent stages of consideration of the proposed changes to the Codes:

- The consultation will run for six weeks, closing at 5pm on 22 July;
- CAP and BCAP will consider each response carefully and evaluate all significant points explaining the reasons behind the decisions they make; and
- The evaluation will be published on the ASA website when the outcome of the consultation is announced.

### How to respond

CAP and BCAP invite written comments and supporting information on the proposals contained in this document by 5pm on 22 July.

Responses via email with attachments in Microsoft Word format are preferred to assist in their processing.

Please send responses to: [andrewt@cap.org.uk](mailto:andrewt@cap.org.uk)

If you are unable to respond by email you may submit your response by post to: Regulatory Policy Team, Committee of Advertising Practice, Castle House, 37-45 Paul Street, London EC2A 4LS

### Confidentiality

CAP and BCAP considers that everyone who is interested in the consultation should see the consultation responses. In its evaluation document, CAP will publish all the relevant significant comments made by respondents and identify all non-confidential respondents. The evaluation and copies of original consultation responses will be published with the outcome of the consultation.


All comments will be treated as non-confidential unless you state that all or a specified part of your response is confidential and should not be disclosed. If you reply by email, unless you include a specific statement to the contrary in your response, the presumption of non-confidentiality will override any confidentiality disclaimer generated by your organisation's IT system. If part of a response is confidential, please put that in a separate annex so that nonconfidential parts may be published with your identity. Confidential responses will be included in any statistical summary of numbers of comments received.

## Contact us

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