



Telecommunications (Jersey) Law 2002

Case T-036

Calling Line Identification (CLI) facilities:
proposed telecommunications licence
review and potential for limiting
telephone-based fraud

Final Notice to modify Class II and Class
III licences

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1 Overview and summary

- 1.1 The Jersey Competition Regulatory Authority (the **Authority**) is presently reviewing the provision of Calling Line Identification (**CLI**) Facilities in Jersey with the important aim of helping protect Islanders against CLI-based fraud through establishing regulatory expectations on the provision and handling of CLI.
- 1.2 To achieve this, the Authority plans to modify all Class II and Class III licences by inserting a new CLI licence condition (the **CLI Licence Condition**). This represents the exercise of a specified regulatory function under Articles 10 and 11 of the Telecommunications (Jersey) Law 2002 (the **Telecoms Law**).
- 1.3 After carrying out a non-statutory decision-making consultation process the Authority issued a statutory Initial Notice (the **Initial Notice**) in April 2022 stating its intention to modify all Class II and Class III licences to include the new CLI Licence Condition.¹ Following representations, the Authority issued an amended Initial Notice (the **Amended Initial Notice**) for consultation in April 2023.²
- 1.4 The Amended Initial Notice consultation closed on 3 May 2023 with comments received from one respondent. Taking these into account and having carefully considered all information associated with this case, the Authority has decided to issue a statutory Final Notice (the **Final Notice**) modifying all Class II and Class III licences to include the new CLI Licence Condition, which will come into effect on the 29th day after the date of this document, that is 23 June 2023.

¹ Document JCRA 22/23 Calling Line Identity (CLI) facilities: proposed telecommunications licence review and potential for limiting telephone-based fraud: Statutory Initial Notice to modify Class II and Class III licenses – see <https://www.jcra.je/cases/2021/t-036-calling-line-identity-review/t-036-calling-line-identity-review-statutory-initial-notice/>

² Document JCRA 23/07 Calling Line Identity (CLI) facilities: proposed telecommunications licence review and potential for limiting telephone-based fraud: Amended statutory Initial Notice to modify Class II and Class III licenses – see <https://www.jcra.je/cases/2021/t-036-calling-line-identity-review/t-036-calling-line-identity-review-amended-statutory-initial-notice/>

2 Introduction, background and legal framework

2.1 This section provides summary information on the case, consultation and associated legal framework. Its contents are:

- [Background to consultation](#)
- [Legal framework](#)
- [Process and timetable](#)

Background to consultation

2.2 CLI Facilities provide important protection to Islanders, allowing people receiving telephone calls to see the telephone number of the person calling before deciding to answer or not, and so potentially minimise unwanted fraudulent or nuisance calls, which can cause significant annoyance and, in some cases, distress for consumers.

2.3 The Authority opened a case in August 2021 to review present local regulation on the provision of CLI Facilities. This began with a Call for Information followed by a non-statutory Final Decision to amend the licences of Class II and Class III operators to include a new CLI Licence Condition.³ The purpose of this condition is to establish regulatory expectations on the provision and handling of CLI.

2.4 Alongside the Final Decision, the Authority issued a statutory Initial Notice of its intention to amend Class II and Class III licences. Specifically, the affected licensees are:

- Clear Mobitel (Jersey) Limited
- Home Net Limited
- Jersey Airtel Limited
- JT (Jersey) Limited
- Newtel Limited
- Sure (Jersey) Limited

2.5 The Authority further agreed to develop CLI Guidance (the **Guidance**) providing operators with supplementary information on expectations. This was issued in January 2023 for non-statutory consultation, with responses received used to shape the final Guidance, which the Authority will issue alongside the Final Notice.

2.6 Comments received through the Guidance consultation process led to the Authority deciding to issue an Amended Initial Notice of its intention to modify Class II and Class III licences to include the CLI Licence Condition. This was issued for consultation on 3 April 2023 with a closure date for

³ Document No 22/22, Calling Line Identity Review – Non-statutory Final Decision (27 April 2022) – see <https://www.jcra.je/cases/2021/t-036-calling-line-identity-review/t-036-calling-line-identity-review-non-statutory-final-decision/>

responses of 3 May 2023. This document contains the Authority’s analysis of information provided and its subsequent conclusions.

Legal framework

- 2.7 The Telecoms Law requires the Authority to carry out its functions in such a manner considered as best calculated to ensure that (so far as is reasonably practicable) telecoms services are provided, both within Jersey and between Jersey and the rest of the world, as satisfy all current and prospective demands for them.
- 2.8 The Telecoms Law prohibits anyone using a telecoms system for the purpose of causing annoyance, inconvenience or needless anxiety to another, and sending a message that the person knows to be false.
- 2.9 The Authority has granted Class II and Class III telecoms licences with specific conditions applicable to licensees providing telecoms services in Jersey. Article 18 of the Telecoms Law allows the modification of any condition contained in a licence, which includes inserting a new condition, as well as amending or deleting an existing condition.

Process and timetable

- 2.10 When carrying out a specified regulatory function, the Authority follows a structure based on the process set-out in article 11 of the Jersey Law.
- 2.11 The timetable, which may be subject to change, for this case is:

Aug 2021	Call for information issued
Nov 2021	Non-statutory Draft Decision issued
Apr 2022	Non-statutory Final Decision and statutory Initial Notice issued
Jan 2023	Proposed CLI Guidance issued
Apr 2023	Amended statutory Initial Notice issued
May 2023	Statutory Final Notice and final CLI Guidance issued
June 2023	Licence condition modifications and Guidance come into effect

3 Consideration of responses to consultation

3.1 This section contains details on responses received to the Amended Initial Notice consultation, information on how the Authority has analysed them and the conclusions drawn. Its contents are:

- [Consultation approach and responses received](#)
- [Consideration of responses to consultation](#)

Consultation approach and responses received

3.2 On 3 April 2023, the Authority issued an Amended Initial Notice of its intention to carry out a specified regulatory function, that is to modify the licences of Class II and Class III licensees under the Telecoms Law to include the CLI Licence Condition pursuant to the provisions of Article 18 of the Telecoms Law and in accordance with Article 11 of the Telecoms Law.

3.3 The consultation closed on 3 May 2023, with responses received by that date from the following organisations:⁴

- Jersey Airtel Limited (**Airtel**)

3.4 The Authority is grateful for the time and care taken to provide comments and views on this important subject. Having carefully considered them, this document contains a summary of responses received, analysis of the information provided and the conclusions arrived at.

Consideration of responses to consultation

Summary of responses

3.5 Airtel supported plans to modify Class II and Class III licences to include the amended CLI Licence Condition set out in Annex A of this document.

The Authority's analysis

3.6 The Authority welcome the support shown.

The Authority's conclusion(s)

3.7 The Authority confirms its intention to modify Class II and Class III licences to include the amended CLI Licence Condition set out in Annex A of this document.

⁴ Non-confidential versions of responses are published on the Authority's website alongside this document.

4 Final Notice

- 4.1 This is a Final Notice of the Authority's intention to carry out a specified regulatory function, that is to modify the licences of Class II and Class III licensees listed in Section 2.4 of this document under the Telecoms Law to include the CLI Licence Condition set out in Annex A of this document, pursuant to the provisions of Article 18 of the Telecoms Law and in accordance with Article 11 of the Telecoms Law.
- 4.2 This Final Notice, including the text of the CLI Licence Condition, is available for inspection at the JCRA offices at 2nd Floor, Salisbury House, 1-9 Union Street, St Helier, Jersey, JE2 3RF, between the hours of 9.00 am and 5.00 pm Monday to Friday or on the JCRA website at www.jcra.je.
- 4.3 The Authority intends the CLI Licence Condition to come into effect on the 29th day after the date of this Final Notice, that is 23 June 2023.

By Order of the Jersey Competition Regulatory Authority

25 May 2023

Annex A: New licence condition

Class II and Class III telecoms licences will have the following additions:

1. DEFINITIONS AND INTERPRETATION

‘Calling Line Identification’ means data that enables identification of the number from which a call could be made or to which a return call could be made;

‘Calling Line Identification Facilities’ means facilities which enable the telephone number of a calling party to be presented to the called party prior to a call being established;

‘CLI Data’ means the contents of all signalling messages which can be used between Licensed Operators and/or between Licensed Operators and Subscribers to signal the origin of the call and/or the identity of the calling party, including any associated privacy markings;

‘Emergency Organisations’ means the police, the ambulance and fire services and the marine search and rescue services;

PART III: GENERAL CONDITIONS RELATING TO THE PROVISION OF TELECOMMUNICATIONS

X Calling line identification facilities

X.1 The Licensee must provide Calling Line Identification Facilities, and enable them by default, unless they can demonstrate that it is not technically feasible or economically viable to do so.

X.2 The Licensee must inform Subscribers if Calling Line Identification Facilities are not available on the service they are providing to those Subscribers.

X.3 When providing Calling Line Identification Facilities, the Licensee must:

- (a) ensure, so far as technically feasible, that any CLI Data provided with and/or associated with a call includes a valid, diallable number which uniquely identifies the caller; and
- (b) respect the privacy choices of Users.

X.4 The Licensee must not charge Subscribers any additional or separate fee for access to or use of standard Calling Line Identification Facilities.

X.5 Where technically feasible, the Licensee must:

- a) take all reasonable steps to identify calls, other than calls to Emergency Organisations, in relation to which invalid or non-diallable CLI Data is provided; and
- b) prevent those calls from being connected to the called party, where such calls are identified.

X.6 This Condition applies subject to the requirements of relevant data protection legislation.