



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

High Court grants order for the sequestration of Yourtel's assets.

Information Notice

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1. On 19 January 2019, ComReg applied to the High Court for a restraining order in relation to Yourtel charging its customers for services it had not supplied to them. Such charging is in contravention of Section 45(1)(c) of the Communications Regulation Act, 2002 (as amended) ("the Act")¹.
2. ComReg sought the restraining order as Yourtel had 89 prior convictions for breaches of Section 45(1) of the Act and ComReg believed that Yourtel was continuing to act in breach of that provision. These convictions were imposed by the District Court pursuant to prosecutions brought by ComReg on foot of previous investigations into Yourtel's billing practices.
3. On 11 February 2019, the High Court ordered Yourtel to cease contravening section 45 and it also made an order restraining Yourtel from contravening section 45 in the future.
4. In May 2019 it came to ComReg's attention that Yourtel might be in breach of the restraining order as Yourtel continued to bill customers for services it was not supplying service to. From evidence subsequently gathered by ComReg it was satisfied that Yourtel was continuing to breach Section 45(1) of the Act by charging certain of its customers for services in circumstances where Yourtel was not actually providing any service to them.
5. On 2 August 2019, ComReg applied to the High Court for sequestration of Yourtel's assets, and in particular a bank account into which customers paid their monthly bills.
6. On 8 October 2019 Mr Justice Robert Haughton granted the orders sought by ComReg against Yourtel in the High Court – including an order of sequestration of Yourtel's assets with immediate effect.
7. Yourtel consented to the order of sequestration sought by ComReg and stated that the firm intended leaving the Irish market by 31 December 2019. Yourtel further stated an intention not to issue any further bills to customers and that they would inform customers to cancel their direct debits.

(1) ¹ *An undertaking shall not impose, or purport to impose, a charge—
[...]*

(c) *for an electronic communications service or electronic communications product that was requested by a consumer but was not supplied.*

8. ComReg requests any customers that receive a bill from Yourtel after the date of sequestration of assets, namely 8 October 2019, to contact ComReg consumer care on 018049668 or consumerline@comreg.ie
9. ComReg will continue to monitor the complaints it receives from consumers and will continue to investigate matters arising in respect of Section 45 of the Act and other relevant regulatory obligations.