



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

High Court makes restraining order against Yourtel in relation to the charging of customers for services not supplied.

Information Notice

Reference: ComReg 19/24

Date: 21/03/2019

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) (b) and (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. In January 2018 ComReg commenced a further investigation into Yourtel’s billing practices and whether Yourtel was providing services to certain customers it purported to charge.
4. Pursuant to this investigation, and using information provided by Eircom Limited, ComReg 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 those customers.
5. On the 11 February 2019, the High Court ordered Yourtel to cease contravening section 45 and made an order restraining Yourtel from contravening section 45 in the future.
6. The High Court also granted ComReg liberty to apply to the court again for the purpose of enforcing the orders should Yourtel fail to comply with them. Any such non-compliance could have very serious consequences for Yourtel.
7. ComReg requests any customers that receive a bill from Yourtel for services that they have not received after the date of the order, namely 11 February 2019, to contact ComReg consumer care on 018049668 or consumerline@comreg.ie
8. 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.

(1) ¹ An undertaking shall not impose, or purport to impose, a charge—
(b) for supplying an electronic communications service or electronic communications product to a consumer that was not requested by the consumer, or

[...]

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