



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Virgin Media to refund over €3 million of “Post Cancellation Charges” after ComReg investigation

Information Notice

Reference: ComReg 20/123R

Date: 17/12/2020

1. ComReg has recently concluded an investigation into Virgin Media Ireland Limited's ("Virgin Media") practice of charging customers for a service beyond the cancellation of their contract for what are termed "Post Cancellation Charges". Virgin Media will issue a bill as normal during the final 30 day period, which may include monthly recurring charges that extend beyond the cancellation date which Virgin Media then collects as part of that bill.
2. Rather than proactively refunding customers the Post Cancellation Charges, Virgin Media kept them as credits on inactive accounts and would only issue a refund if a customer requested a refund.
3. As part of the investigation, ComReg established that in excess of 140,000 customers had paid Post Cancellation Charges from 1 September 2014 to date.
4. ComReg also established that Virgin Media continues to hold credits in excess of €3 million attributable to Post Cancellation Charges which are due and owing to more than 107,000 customers who have not yet been refunded.
5. In the circumstances ComReg concluded that Virgin Media was overcharging customers contrary to Sections 45(1)(a)(ii) and 45(1)(b) of the Communications Regulation Act 2002 (as amended) (the "2002 Act").
6. Section 46(1) of the 2002 Act provides that in such a situation:

...the Commission may apply to the High Court to make a restraining order...
7. On hearing such an application, the High Court may, amongst other orders:

...make a restraining order requiring the undertaking to cease contravening section 45 and not to repeat the contravention...
8. ComReg informed Virgin Media of the outcome of its investigation and of its intention to seek a restraining order and other orders pursuant to Section 46 of the 2002 Act, and following Virgin Media's co-operation in the resolution of the issues arising in respect of Post Cancellation Charges, ComReg secured the following commitments from Virgin Media:
 - Virgin Media will cease the practice of imposing Post Cancellation Charges by 1 January 2021;
 - Virgin Media will refund all affected customers by 31 March 2021. Over €3 million will be refunded;

- Virgin Media will publish a corrective statement on its website regarding the Post Cancellation Charges issue;
- Virgin Media will review all other credits (*i.e.*, other than those relating to Post Cancellation Charges) on any inactive accounts and refund those credits to customers by 30 June 2021;
- Virgin Media will not in the future allow credit to remain on closed/inactive accounts.

Contact Details for Refund Process

9. Virgin Media has established a dedicated helpline for affected former customers to call in respect of the refund process, which is **1800941770**.

Compliance monitoring

10. ComReg expects all undertakings to ensure that they are compliant with Section 45 of the 2002 Act and are not charging consumers Post Cancellation Charges. ComReg is continuing its programme of monitoring compliance by all undertakings and will take all necessary enforcement action in respect of any such activity.