

[IE] Telecommunications

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*Candelaria van Strien-Reney
Faculty of Law, National University of Ireland, Galway*

In a case decided at the end of 1997, but not yet reported, the Irish High Court said that Telecom Éireann (the state telecommunications body) was unjustified in withdrawing subscribers' telephone numbers. Here the defendant had withdrawn the use of eight of the plaintiff's telephone numbers and refused to allocate any additional numbers, in the belief that the plaintiff was engaged in brokering numbers. Although this could justify the decision to withdraw the numbers, the Court said that the low level of usage of the numbers could not be a basis for such withdrawal. The plaintiffs were engaged in a bona fide franchising business which was lawful in the jurisdiction. Telecom Éireann was obliged to use the power entrusted to it fairly and reasonably, and therefore the absolute discretion to alter a telephone number could only be exercised where the subscriber was in breach of his contract, or where the interests of some revision of the service necessitated the change of a subscriber's number.

The Court also decided that Telecom Éireann had a statutory duty to allocate numbers to the plaintiff, save where there were good and objectively justifiable reasons for refusing to do so.

