

# Deed Poll

## Telecommunications Ombudsman Service

	This <b>Deed Poll</b> is made on	
Insert date of execution		
Insert full name of member of the service	by	
Insert place of incorporation of member of the service	a company incorporated in	
Insert member of the service's registered number	under company number	
Insert full address of registered or principal office (as applicable), including country		
	(such person being a " <b>Service Member</b> ", which definition shall include the legal personal representatives and successors of any such person).	

## Introduction

- (A) Pursuant to the articles of association and memorandum of association (the "**Articles**" and "**Memorandum**" respectively) of The Ombudsman Service Limited, a company incorporated in England and Wales under company number 04351294, (the "**Company**") and the Terms of Reference, an ombudsman service has been established for the purpose of receiving and handling unresolved complaints or disputes concerning the supply or provision by any Service Member(s) of certain services and/or products, to encourage and/or facilitate the resolution, settlement and/or withdrawal of such unresolved complaints or disputes and to facilitate the enforcement of, any decisions, awards, remedies and redress in respect of matters that form the subject matter of such unresolved complaints or disputes.
- (B) Pursuant to the Articles and the Terms of Reference each Service Member is required to execute a deed poll in the form of this Deed Poll (as amended, varied, replaced or supplemented from

time to time) for the purpose of entitling and enabling each complainant directly to exercise and enforce against such Service Member any Final Decision made against such Service Member which has been accepted by such complainant in accordance with the terms of such Final Decision, including (without limitation) any Award made against and/or any other Remedy to be provided or complied with by such Service Member under or pursuant to such Final Decision.

- (C) The Service Member in entering into this Deed Poll, agrees to be bound by and comply with all the provisions contained in the Terms of Reference and be bound by and comply with all the provisions contained in the Articles as if it were a Member of the Company.

## This deed witnesses as follows:

### 1 interpretation

Unless the context otherwise requires, in this Deed Poll (including the Introduction):

- 1.1 words and expressions defined in or by the Articles, the Memorandum and/or the Terms of Reference shall have the same meaning wherever used in this Deed Poll;
- 1.2 references to the Memorandum, the Articles and/or the Terms of Reference shall be construed as references to such documents in their respective forms from time to time; and
- 1.3 use of headings shall not affect the interpretation of this Deed Poll.

### 2 covenant

The Service Member hereby covenants and undertakes:

- 2.1 to comply in full with any Final Decision which has been accepted by a complainant in accordance with the terms of such Final Decision, including (without limitation) to satisfy and discharge in full (within the requisite time period) any Award and/or other Remedy made against or to be provided or complied with by such Service Member under or pursuant to such Final Decision; and
- 2.2 to be bound by and comply with all the provisions contained in the Terms of Reference and be bound by and comply with all the provisions contained in the Articles as if it were a Member of the Company.

### 3 Enforceability

For all purposes (including for the purposes of the Contracts (Rights of Third Parties) Act 1999), this Deed Poll shall be enforceable against the Service Member

- 3.1 by or on behalf of each relevant complainant in relation to and to the extent of such Final Decision; and
- 3.2 by the Company or any Member of the Company in relation to clause 2.2 above.

### 4 general

- 4.1 This Deed Poll may only be varied, amended, terminated or rescinded with the prior written consent of the Council.
- 4.2 The failure to exercise or delay in exercising a right or remedy provided by this Deed Poll or by law does not constitute a waiver of the right or remedy or a waiver of other rights or remedies. No

single or partial exercise of a right or remedy provided by this Deed Poll or by law prevents further exercise of the right or remedy or the exercise of another right or remedy.

4.3 If at any time any provision hereof is or becomes illegal, invalid or unenforceable in any respect under the law of any jurisdiction, neither the legality, validity or enforceability of such provision under the law of any other jurisdiction shall in any way be affected or impaired thereby.

## 5 Governing Law

This Deed Poll shall be governed by and construed in accordance with English law.

## 6 Deed

This Deed Poll shall be executed and delivered as a deed poll immediately on the date hereof.

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In witness whereof this Deed Poll has been duly executed and delivered as a deed poll on the date hereof.

Executed and delivered as a deed poll by

\_\_\_\_\_ 1

acting by

Signature of Director

\_\_\_\_\_

Name of Director

\_\_\_\_\_

Signature of Director/Secretary

\_\_\_\_\_

Name of Director/Secretary

\_\_\_\_\_

or

<sup>2</sup> Executed and delivered as a deed poll by

\_\_\_\_\_

under the common seal of such company which was affixed hereto in the presence of:

Signature of witnesses

\_\_\_\_\_

\_\_\_\_\_

Name of witnesses

\_\_\_\_\_

\_\_\_\_\_

Address of witnesses

\_\_\_\_\_

\_\_\_\_\_

Occupation of witnesses

\_\_\_\_\_

\_\_\_\_\_

or<sup>3</sup>

\_\_\_\_\_

.....  
<sup>1</sup> Insert full name of Service Member.  
<sup>2</sup> Complete and execute the most appropriate of these attestation clauses by which the Service Member executes deeds or, if neither of the two attestation clauses provided are appropriate, insert and execute at the bottom of the page the most appropriate attestation clause for such purpose.  
<sup>3</sup> If neither of the above two attestation clauses are appropriate, insert and execute below the most appropriate attestation clause by which the Service Member executes deeds.