

CAYMAN ISLANDS



THE TELEPHONE LAW, 1966
(LAW 31 of 1966)

(Price \$1.20)

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LAW 31 of 1966

I assent,

(L.S.)

J.A. CUMBER
Administrator

29th November, 1966

A LAW to provide for the establishment and operation of
a Telephone System in the Islands and for purposes
incidental or connected therewith.

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Enacted by the Legislature of the Cayman Islands.

1. This Law may be cited as the Telephone Law, 1966
and shall be deemed to have come into operation on the
25th day of April, 1965.

Short title
and commence-
ment.

2. In this Law except where the context otherwise
requires –

Interpretation.

“telephone system” means the buildings, installa-
tions, exchanges, telephone lines, telephone

posts, mechanical appliances and things of whatever description required for the purpose of transmitting the sound of the human voice and/or electric signals over through or by means of an electric wire or other electric device:

“Undertakers” means the company or person with whom an agreement is entered into by Government under this Law;

“works” means and includes telephone lines and also any buildings, machinery, engines, fixtures, fittings, apparatus or things of whatever description used in or in connection with the telephone system of the Islands.

Telephone agreement.

3. It shall be lawful for the Government to enter into an agreement, not inconsistent with this Law, with any company or person to provide, install, maintain and operate a modern and efficient telephone system in the Islands.

Telephone works not subject to distress.

4. Where any works are placed in or upon any private premises for the purpose of the telephone service under this Law, such works shall not be subject to distress or to the landlord’s remedy for rent of the premises where the same may be, nor be taken in execution of any process of a court of law or equity or any proceedings in bankruptcy against the person in whose possession the same may be.

Telephone service.

5. The Undertakers may agree to supply telephone service to any person upon such terms and conditions as may be prescribed:

Provided that it shall be lawful for the Undertakers without incurring any liability for so doing other than a liability to make a proportionate abatement in the sum agreed to be paid for the supply of such service to reduce such service as they may see fit if by reason of any unforeseen circumstances they are of opinion that such service cannot be maintained fully.

- service may be installed and supplied;
- (ii) for securing the safety of the public from personal injury;
- (iii) regulating and prescribing the duties of officers, operators and other persons employed in connection with the telephone system;
- (iv) for the inspection of works, constructed and placed on any public land or private premises;
- (v) regulating the erection, control, extension, protection, use and working of the telephone system and services;
- (vi) prescribing the rates and charges to be levied in respect of any telephone service;
- (vii) generally in respect of any matter in connection with the telephone system and service not otherwise provided for.

Passed the Assembly this 1st day of November, 1966.

J.A. CUMBER
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly

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Date of operation 25th April, 1965.

officer who shall with all reasonable dispatch convey him before a magistrate.

Prohibition of communicating lines.

11. Any person who shall lay or cause to be laid any line to communicate with any line belonging to the Undertakers without their consent, shall be guilty of an offence and on summary conviction thereof shall be liable to a fine of twenty pounds and also in the case of a continuing offence to a further fine of two pounds for each day on which the offence continues.

Prohibition of unlawful use of telephone.

12. If any person shall use the telephone system so as to cause annoyance to subscribers or to commit a nuisance, he shall be guilty of an offence and on summary conviction thereof shall be liable to a fine of twenty pounds and in default of payment or in lieu of such fine to imprisonment for three months.

Disclosure of communications and obstruction of service.

13. Any person who without authority intercepts any telephone communication not intended for the general public and with intent to prejudice the rights or interests of others deliberately discloses the contents or existence of such communication or any person who unlawfully or maliciously in any manner whatsoever prevents or obstructs the sending, conveying or delivery of any communication by telephone shall be guilty of an offence and on summary conviction thereof shall be liable to a fine of fifty pounds and in default of payment or in lieu of such fine to imprisonment for six months.

General penalty.

14. Any person who, in any manner not otherwise specified in this Law, contravenes or fails to comply with the provisions of this Law, shall be guilty of an offence and on summary conviction thereof shall be liable to a fine of twenty pounds and in default of payment or in lieu of such fine to imprisonment for three months.

Rules made by Undertakers.

15. The Undertakers may with the approval of the Administrator in Council, make rules:-

- (i) fixing the limits within which and the conditions under which the telephone system and

6. If any person, entitled to a telephone service under any such agreement as in section 5 of this Law is mentioned, makes default in payment of any sums payable by him under such agreement the Undertakers may cut off the telephone service by severing or disconnecting any line or other work through which such service may be supplied and may until such charge or other sums together with the expenses incurred by the Undertakers are fully paid, but no longer, discontinue the telephone service to such person.

Power of Undertakers to cut off telephone service from persons making default in payment.

7. Any person appointed by the Undertakers may at all reasonable times upon giving notice to the owner or occupier enter any premises to which the telephone service is or has been supplied by the Undertakers in order to examine the works for the supply of such service belonging to the Undertakers, or when the Undertakers are authorized to take away and cut off the supply of such service from any premises, for the purposes of removing any works belonging to the Undertakers and repairing all damage caused by such entry, inspection or removal.

Inspection of premises.

8. (1) For the purposes of the telephone service the Undertakers may -

Powers of the Undertakers to erect apparatus.

- (a) from time to time cause standards to be erected and telephone lines to be laid and carried through, across, over or under any street and (after reasonable notice in writing in that behalf) through, over or under any enclosed or other land whatsoever doing as little damage as may be practicable;
- (b) from time to time cause to be constructed in any street all such kiosks or booths as may be necessary for purposes in connection with the supply of telephone service and may place therein suitable and proper apparatus for the purpose;
- (c) from time to time cause such posts, standards or other apparatus to be put up or fixed upon or

against the walls or palisades of any house or buildings or on any enclosures (doing as little damage as may be practicable thereto) or to be put or erected in such other manner as shall be deemed proper;

- (d) enter or authorize any person to enter upon any land and to remain thereon as long as may be necessary for the purpose of effectually doing any act or thing necessary for carrying into effect the objects of this Law and for any of the said purposes and for the protection of the works executed thereon to cut down from the vicinity thereof, to such extent as may be necessary, any trees or brushwood, growing upon any such land so entered upon: Provided that the Undertakers shall not be deemed to acquire any right other than that of user only in or over the soil of any enclosed and other land whatsoever through, over or under which it places any of the works, and that should any of the works so carried through, over or under any such land become a nuisance or the cause of loss to the owner of such land the Undertakers shall at their own expense remove or alter such work or shall give reasonable compensation as hereinafter provided by subsection (2) of this section.

(2) In the exercise of the powers given by subsection (1) the Undertakers shall do as little damage as may be practicable and shall make full compensation to any person interested for all damage sustained by him by reason or in consequence of the exercise of such powers. The amount of such compensation shall be determined by two arbitrators to be named, one by such person, and the other by the Undertakers, and in case of their disagreement by an umpire to be appointed by the Administrator.

Interference by
private telephone.

9. (1) In any case in which it is found that any private telephone wire interferes or is likely to interfere with

the installation or working of the telephone system maintained under this Law, it shall be lawful for the Stipendiary Magistrate upon the application of the Undertakers to make an order empowering the Undertakers to make such alteration or adjustment of the position or direction of such private telephone wire as may be necessary to prevent such interference.

(2) Every such application shall be heard and determined in the same manner in all respects as a complaint in the Petty Court.

10. (1) Any person who unlawfully and maliciously cuts, breaks, throws down, destroys, damages, removes or in any way interferes with any instrument, machinery, wire, mask, post, battery or other matter or thing whatsoever being part of, or being used or employed in or about the telephone system or any work in connection therewith shall be guilty of an offence and liable --

Interference
with work.

- (a) on conviction on indictment to imprisonment for five years or a fine;
- (b) on summary conviction to imprisonment for one year or to a fine of one hundred pounds and in default of payment of such fine to imprisonment for one year or to both such imprisonment and fine.

(2) Any person who wilfully obstructs the execution of any order made under section 9 of this Law or the execution of any work authorized by this Law shall be guilty of an offence and on summary conviction thereof he shall be liable to a fine of twenty pounds, and in the case of a continuing offence to a further fine of two pounds, for each day on which the offence continues.

Obstruction of
works.

(3) It shall be lawful for any person who sees any other person committing any offence against either subsection (1) or subsection (2) of this section to apprehend, and also for any other person to assist in apprehending, the offender and by the authority of this Law and without any warrant to deliver him to any peace

Power of arrest.