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THE TELEPHONE LAW (31 OF 1966)

(1997 Revision)

Consolidated with Laws 10 of 1967 and 9 of 1996.

Revised under the authority of the Law Revision Law (19 of 1975).

Originally enacted-

Law 31 of 1966-1st November, 1966

Law 10 of 1967-30th March, 1967

Law 9 of 1996-8th July, 1996.

Consolidated and revised this 7th day of January, 1997.

TELEPHONE LAW

(1997 Revision)

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TELEPHONE LAW

(1997 Revision)

1. This Law may be cited as the Telephone Law (1997 Revision). Short title
2. In this Law- Definitions
 - “Department” means the Department of Communications;
 - “emergency communications system” means the provision of the necessary switching and equipment to enable any person through the telephone system without payment to communicate as quickly as possible with the emergency services;
 - “emergency services” means the police, fire and emergency ambulance services and such other services as may be prescribed by the Governor in Council;
 - “emergency telephone number” means the numeral or numerals that are to be dialled or keyed by the public to enable them to request urgent assistance from the emergency services;
 - “Minister” means the minister responsible, from time to time, for the telephone service;
 - “telephone system” means the buildings, installations, 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 and shall include the equipment necessary to enable members of the public to summon the police, fire or emergency ambulance services in case of urgency;
 - “Undertakers” means the company or person with whom an agreement is entered into by Government under this Law; and
 - “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.
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 agreement

Telephone works not subject to distress	<p>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.</p>
Telephone service	<p>5. The Undertakers may agree to supply telephone service to any person upon such terms and conditions as may be prescribed:</p> <p>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.</p>
Power of Undertakers to cut off telephone service from persons making default in payment	<p>6. If any person, entitled to a telephone service under section 5, 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.</p>
Inspection of premises	<p>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 authorised 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.</p>
Powers of the Undertakers to erect apparatus	<p>8. (1) For the purposes of the telephone service the Undertakers may -</p> <ul style="list-style-type: none">(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; and
- (d) enter or authorise 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 provided by subsection (2).

(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 Governor.

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 a 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.

Interference by private
telephone

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

10. (1) Whoever unlawfully and maliciously cuts, breaks, throws down, destroys, damages, removes or in any way interferes with any instrument, machinery, wire, post, battery or other matter or thing whatsoever being

Interference with work

part of, or being used or employed in or about the telephone system or any work in connection therewith is guilty of an offence and liable -

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

(2) Whoever wilfully obstructs the execution of any order made under section 9 or the execution of any work authorised by this Law is guilty of an offence and liable on summary conviction to a fine of forty dollars, and in the case of a continuing offence to a further fine of four dollars for each day on which the offence continues.

(3) It shall be lawful for any person who sees any other person committing any offence against subsection (1) or (2) 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 police officer who shall, with all reasonable dispatch, convey him before a magistrate.

Provision of emergency
communications system

11. (1) Where an agreement has been entered into under section 3, the Undertakers shall provide an emergency communications system covering the Islands.

(2) The Minister shall have power to give directions to the Undertakers as to-

- (a) the design and capacity of the emergency telecommunications system to be provided;
- (b) any associated equipment and facilities to be provided;
- (c) the procedures to be followed in connecting incoming emergency calls to the government emergency telephone operators; and
- (d) the type of equipment that may or may not be used by the subscribers to the telephone system,

and any directions given by the Minister under this subsection together with a corresponding duty on the part of the Undertakers to comply with such directions shall be deemed to be incorporated into any agreement made under section 3.

(3) The Minister shall provide adequate equipment and numbers of qualified personnel-

- (a) to handle the incoming emergency calls from members of the public;

- (b) to direct all incoming emergency calls to the appropriate emergency services; and
- (c) to give instructions for the dispatch of the necessary numbers of vehicles from the emergency services to attend to the reported emergency,

and the Minister may prescribe the qualifications to be held, from time to time, by different classes of personnel.

(4) Any agreement entered into under section 3 shall be deemed to be amended as from 25th November, 1996 to provide that throughout the term of the agreement the Undertakers shall be under a duty to provide an emergency telecommunications system in all respects in accordance with any directions of the Minister given under subsection (2), from time to time, subject to the provision by the Government of the necessary manpower, equipment and resources to enable the public to summon and receive services from the emergency services in cases of urgency.

12. Whoever lays or causes to be laid any line to communicate with any line belonging to the Undertakers without their consent, is guilty of an offence and liable on summary conviction to a fine of forty dollars and in the case of a continuing offence to a further fine of four dollars for each day on which the offence continues.

Prohibition of
communicating lines

13. Whoever sends by means of a telephone system provided in accordance with this Law, for the purpose of causing annoyance, inconvenience or needless anxiety to another, a message that he knows to be false or persistently makes use of such a telephone system for that purpose is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and on a second or subsequent conviction to an order of the Court restraining such persons from making further such calls.

Offences

14. Whoever, 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 who unlawfully or maliciously in any manner whatsoever prevents or obstructs the sending, conveying or delivery of any communication by telephone is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and in default of payment or in lieu of such fine to imprisonment for six months.

Disclosure of
communications and
obstruction of service

15. (1) The Governor in Council may, by regulation-

Regulations and rules

- (a) designate the emergency telephone number for use in the Islands; and
- (b) prescribe other services as emergency services that may be summoned by members of the public by using the emergency telephone number.

(2) The Undertakers may, with the approval of the Governor in Council, make rules-

- (a) fixing the limits within which and the conditions under which the telephone system and service may be installed and supplied;
- (b) for securing the safety of the public from personal injury;
- (c) regulating and prescribing the duties of officers, operators and other persons employed in connection with the telephone system;
- (d) for the inspection of works, constructed and placed on any public land or private premises;
- (e) regulating the erection, control, extension, protection, use and working of the telephone system and services;
- (f) prescribing the rates and charges to be levied in respect of any telephone service; and
- (g) generally in respect of any matter in connection with the telephone system and service not otherwise provided for.

Unauthorised use of
emergency telephone
number

16. Whoever uses the emergency telephone number in any advertising or promotional material unless authorised by or on behalf of the Minister is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars.

Exemption from liability

17. No action for damages may be brought against the Crown, the Government, the Undertakers, any public officer or any employee of the Undertakers in respect of death, injury or loss incurred by any person occasioned as the result of the operation of the emergency telecommunications system or any malfunction thereof or any action taken or not taken, or performance or non-performance of any of their duties by any public officer, the Undertakers or any employee of the Undertakers.

Publication in consolidated and revised form authorised by the Governor in Council this 7th day of January, 1997.

Carmena H. Parsons

Clerk of Executive Council