
CHAPTER 303

THE BAHAMAS TELECOMMUNICATIONS CORPORATION

LIST OF AUTHORISED PAGES

1 - 4	LRO 1/2010
5 - 10	Original
11 - 12	LRO 1/2010
13 - 16	Original

ARRANGEMENT OF SECTIONS

**PART I
PRELIMINARY**

SECTION

1	Short title
2	Interpretation

**PART II
TELECOMMUNICATIONS CORPORATION**

3	Establishment of the Corporation
4	Common seal
5	Constitution of Corporation
6	Disclosure of interest by member
7	Quorum and voting
8	Procedure of the Corporation
9	Appointment of officers and servants of the Corporation
10	Public servants
11	Functions of the Corporation
12	Power of the Corporation to issue stock
13	Government may guarantee loans to the Corporation
14	Financial policy of the Corporation
15	Application of revenue of the Corporation
16	Superannuation schemes, etc
17	Accounts and audit
18	Annual Report
19	<i>Repealed</i>

PART IV
PROVISIONS TO FACILITATE OPERATION OF
TELECOMMUNICATIONS

21. Telephone works not subject to distress.
22. Terms for provision of telephone service.
23. Termination of telephone service in case of default by subscriber.
24. Inspection of premises.
25. Powers of the Corporation to erect apparatus.
26. Interference by private telephone.
27. Mobile stations.
28. Conformity by mobile stations with international regulations.

PART V
MISCELLANEOUS

29. Restriction on appointment of aliens to office in the Corporation.
30. Limitation of liability of the Corporation.
31. Minister's relations with the Corporation.

CHAPTER 303

THE BAHAMAS TELECOMMUNICATIONS
CORPORATION

An Act to provide for the establishment of a Bahamas Telecommunications Corporation, for the duties, functions and powers of the Corporation; for the transfer to the Corporation of the telecommunications systems owned and operated by the Government of The Bahamas and for other purposes connected therewith.

13 cf 1966
14 cf 1971
33 cf 1971
E.L.A.O., 1974
5 cf 1987
43 cf 1992
11 cf 1994
13 cf 1995
3 cf 2000
10 cf 2009

[Commencement 9th June, 1966]

PART I
PRELIMINARY

1. This Act may be cited as the The Bahamas Telecommunications Corporation Act.

Short title.

2. In this Act, unless the context otherwise requires —
“the Corporation” means the Bahamas Telecommunications Corporation established by section 3 of this Act;

Interpretation.

“the Government” means Her Majesty’s Government of The Bahamas;

“member” or “member of the Corporation” includes the Executive Chairman, an Acting Chairman, the Deputy Chairman, a temporary Deputy Chairman and any temporary member of the Corporation;

14 cf 1971, s 2 and Sch

“Minister” means the Minister charged with the responsibility for relations with the Corporation;

14 cf 1971, s 2 and Sch

“mobile station” means a radio station capable of moving and intended to be used while in motion;

“public service” and “the public service” have the meanings given to those expressions in the Pensions Act;

Ch. 43.

“radio station” means a station used for any system of communication by telegraph or by telephone

without the aid of any wire connecting the points from and at which the messages or other communications are sent or received and includes a mobile station;

“Secretary” means the Secretary of the Corporation appointed under section 9 of this Act;

“securities” means securities of whatsoever type and includes debentures;

“street” includes any square, court, alley, highway, lane, road, thoroughfare, public passage or public place;

“telecommunications” means any telegraphic or telephonic communication of signs, signals, writing, facsimiles and sounds of any kind by wire, wireless or other systems or processes of electrical signalling or visual signalling;

“Telecommunications Department” means the Department of the Government concerned with the implementation of the Telecommunications Act immediately before the date of commencement of this Act;

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

49 of 1963.

PART II

TELECOMMUNICATIONS CORPORATION

3. (1) There is hereby established a body to be called the Bahamas Telecommunications Corporation which shall be a body corporate with perpetual succession and a common seal, having capacity to acquire, hold and dispose of property, to enter into contracts, to sue and be sued in its said name, and to do all things necessary for the purpose of this Act:

Provided that subject to any existing legal obligations, the Corporation shall not —

(a) mortgage, charge or demise any of its immovable property without the approval of the Minister; or

Establishment of
the Corporation.
*14 cf 1971, s 2
and Sch*

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- (b) sell or otherwise alienate the whole of its undertaking or any of its immovable property in fee simple without the approval of both Houses of Parliament; or
 - (c) sell or otherwise alienate any substantial part of its undertaking without the prior approval of the Minister.

(2) The service on the Corporation of all legal processes and notices shall be effected by delivery at the principal office of the Corporation.

4. All deeds, documents and other instruments requiring the seal of the Corporation shall be sealed with the seal of the Corporation in the presence of the Executive Chairman or Deputy Chairman and of the Secretary of the Corporation or some other person authorised by the Corporation to act in that behalf, who shall both sign every such deed, document or other instrument to which such seal is affixed, and such signing shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Corporation.

Common seal

*14 cf 1971, s 2
and Sch*

5. The Corporation shall consist of such number of members not exceeding nine or less than five, as the Governor-General may appoint by notice in the *Gazette*, and the members shall hold office at the Governor-General's pleasure and subject to this, shall be appointed for such period not exceeding three years as the Governor-General may fix in relation to each member at the time of his appointment:

Constitution of
Corporation
13 cf 1995, s 2

Provided that no person shall be qualified to be appointed or to hold office as a member of the Corporation under this section if he is a Minister.

(2) The Governor-General shall appoint one of the members to be Executive Chairman of the Corporation and the members shall appoint one of their number to be Deputy Chairman.

*14 cf 1971, s 2
and Sch*

(3) In the absence of the Executive Chairman, the Deputy Chairman shall act in his place:

*14 cf 1971, s 2
and Sch*

Provided that the members of the Corporation, or in their default the Minister, may appoint an Acting Chairman during the temporary absence of both the Executive

Chairman and the Deputy Chairman owing to illness, inability to attend, absence from The Bahamas, or other reasonable cause.

(4) When a member of the Corporation is absent from The Bahamas or is for any other reason unable to perform his functions as such member, the Minister may appoint a person to be a temporary member during the period of such absence or incapacity.

*14 cf 1971, s 2
and Sch*

(5) There shall be paid to the Executive Chairman or any Acting Chairman or any other member of the Corporation such remuneration (if any) whether by way of salary, honorarium or fees and such allowances (if any) as the Minister may determine, and in the exercise of his powers under this subsection it shall be competent for the Minister to make different provision respecting different members of the Corporation.

Disclosure of
interest by
member

6. A member of the Corporation, if he is interested in any company or undertaking with which the Corporation has or proposes to make any contract, shall disclose to the Corporation the fact and the nature of his interest and shall not take part in any deliberation or decision of the Corporation relating to such contract, and such disclosure shall be forthwith recorded in the minutes of the Corporation.

Quorum and
voting
*14 cf 1971, s 2
and Sch*

7. (1) The quorum of all meetings of the Corporation shall be four members of the Corporation, of whom one shall be the Executive Chairman, or, in his absence, the Deputy Chairman or any person appointed by the Minister to be an Acting Chairman under the provisions of section 5 of this Act.

(2) Each member shall have one vote, save that when the votes of the members present with regard to any question shall be equally divided the presiding member shall have a casting vote in addition to his own vote.

Procedure of the
Corporation

8. Subject to the provisions of this Act, the Corporation may make standing orders regulating its own procedure generally, and in particular, regarding the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes, the custody, production and interpretation of such minutes, and the opening, keeping, closing and audit of accounts.

9. Subject to the approval of the Minister, the Corporation shall appoint —

Appointment of officers and servants of the Corporation.

43 cf 1992, s 2

- (a) a General Manager who shall be entitled to attend any meeting of the Corporation, to take part in discussion of any matter other than such as may concern him personally, but who shall not be entitled to vote; and
- (b) a Secretary and such other officers, servants and agents as the Corporation may from time to time determine:

Provided that the approval of the Minister shall not be required for the making of appointments of officers, servants or agents in any particular case or category of cases in which the Minister notifies the Corporation that it may make appointments in its own discretion.

14 cf 1971, s 2 and Sch

10. (1) All members, officers and servants of the Corporation shall be deemed to be public officers within the meaning and for the purposes of the Penal Code.

Public servants.

Ch. 84.

(2) The Limitation Act shall apply to any action, suit, prosecution or other proceeding against the Corporation, or against any member, officer or servant of the Corporation in respect of any act or default done or committed by him in such capacity.

Ch. 83.

11. Subject to the provisions of this Act, the Corporation shall do all things necessary for —

Functions of the Corporation.

- (a) maintaining, working, repairing and developing the telecommunications stations established in The Bahamas for radio telegraph or radio telephone communications between points within The Bahamas and between places within The Bahamas and places outside The Bahamas and for establishing new stations, either in addition to or in substitution for existing stations, as from time to time may seem necessary for the more efficient operation of telecommunications services; and
- (b) maintaining, working, controlling, developing and extending a full and sufficient telephone system and service for public and private use and purposes.

Power of the Corporation to issue stock.
14 cf 1971, s 2 and Sch

12. (1) For the purpose of enabling the Corporation to carry out its functions under this Act, the Corporation, subject to the prior approval of the Minister, may borrow money upon such terms and upon such security as it may deem expedient, for all the following purposes —

- (a) the provision of working capital;
- (b) the fulfilling of the functions of the Corporation; and
- (c) any other expenditure properly chargeable to capital account.

(2) The Corporation, subject to the approval of the Minister, may make regulations not inconsistent with the provisions of this Act to provide for such matters in connection with securities issued under this Act as may appear necessary or expedient to the Corporation, and, in particular, for regulating the method of issue, transfer, redemption or other dealing with such securities.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the Corporation, subject to the approval of the Minister, may, from time to time, borrow by way of overdraft or otherwise such sums, not exceeding in the aggregate one hundred thousand dollars, as it may require to meet its obligations and discharge its functions under this Act.

5 cf 1987, s 2

Government may guarantee loans to the Corporation.

13. The Minister of Finance, for and on behalf of Her Majesty's Government of The Bahamas, may guarantee in such manner and upon such terms as he may, think fit the payment of the interest and principal, or either of them, of any loan proposed to be raised by the Corporation.

Financial policy of the Corporation.

14. It shall be the duty of the Corporation to manage its affairs in accordance with good business practices and to make such profit as the Corporation shall consider reasonable, so far as may be consistent with the duties imposed upon it under the provisions of this Act.

Application of revenue of the Corporation.

15. (1) The revenue of the Corporation for any financial year shall be applied in defraying the following charges —

- (a) any remuneration payable to the Executive Chairman or to any Acting Chairman or to any member of the Corporation pursuant to subsection (5) of section 5 of this Act and any salaries, fees,

14 cf 1971, s 2 and Sch

remuneration, pensions, superannuation allowances and gratuities of the officers, agents and servants, and technical and other advisers of the Corporation;

- (b) working and establishment expenses and expenditure on, or provision for, the maintenance of any of the installations of the Corporation, and the discharge of the functions of the Corporation properly chargeable to revenue account;
- (c) interest on any securities issued and on any loan raised by the Corporation;
- (d) sums to be required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of securities or the repayment of other borrowed moneys;
- (e) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Corporation having regard to the amount set aside out of revenue under paragraph (d) of this subsection; and
- (f) any other expenditure authorised by the Corporation and properly chargeable to revenue account.

(2) Subject to the provisions of subsection (1) of this section, and after setting aside such further sums as may be approved by the Minister for use to finance the development of any of the Corporation's activities, the balance of the revenue of the Corporation in each financial year shall be paid into the Public Treasury for the benefit of the Consolidated Fund of The Bahamas.

*14 cf 1971, s 2
and Sch*

16. (1) Subject to the approval of the Minister with the concurrence of the Minister of Finance, the Corporation may establish a scheme or schemes for the payment of superannuation allowances, pensions or gratuities to officers and servants of the Corporation who retire from the service of the Corporation, or otherwise cease to hold office by reason of age, or of infirmity of body or mind, or of abolition of office.

*Superannuation
schemes, etc*

E L A O , 1974

(2) The following provisions shall apply to any scheme established under this section —

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- (a) no assurance on the life of any contributor under any such scheme, and no moneys or other benefits payable under any such assurance, and no pension, gratuity or other allowance granted under any such scheme to any person who has been employed by the Corporation, shall be assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Corporation or the Government;
 - (b) no donation or contribution to a fund established under any such scheme or interest thereon shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the Corporation or to the Government;
 - (c) no such donation or contribution or interest shall be subject to the debts of the contributor, nor shall such donation, contribution, or interest pass to a receiver on the bankruptcy of such contributor, but, if such contributor is adjudicated a bankrupt or is declared insolvent by a court, such donation or contribution or interest shall, subject to the provisions of this Act, be deemed to be impressed with a trust in favour of the persons entitled thereto on the death of the contributor;
 - (d) the bankruptcy of a contributor shall not affect the making of deductions from the salary of the contributor in accordance with any such scheme, but such deductions shall continue to be made notwithstanding the provisions of any Act, and the portion of salary so deducted shall not be deemed to form part of his after acquired property; and
 - (e) subject to the provisions of any such scheme, all moneys paid or payable out of any fund established under any such scheme on the death of a contributor shall be deemed to be impressed with a trust in favour of the persons entitled thereto under the will or intestacy of such deceased contributor, or under a nomination in

such form as may be prescribed in such scheme and shall not be deemed to form part of his estate or be subject to the payment of his debts.

17. (1) The Corporation shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year in such form as the Minister may, from time to time, direct. Accounts and audit.

(2) The accounts of the Corporation shall be audited by auditors to be appointed by the Minister.

(3) At the end of each financial year, as soon as the accounts of the Corporation have been audited, the Corporation shall cause a copy of the statement of accounts to be transmitted to the Minister together with a copy of any report made by the auditors on that statement or on the accounts of the Corporation.

(4) The Minister shall cause a copy of every such statement and report to be laid on the table of both Houses of Parliament.

18. (1) The Corporation shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister a report, in such form as the Minister may from time to time direct, dealing generally with the activities of the Corporation during the preceding financial year. Annual Report.

(2) The Minister shall cause a copy of every such report to be laid on the table of both Houses of Parliament.

19. *Repealed.*

10 of 2009, Sch 1

**PART III
ACQUISITION OF LAND**

10 of 2009, Sch 1

20. *Repealed.*

**PART IV
PROVISIONS TO FACILITATE OPERATION OF
TELECOMMUNICATIONS**

Telephone works
not subject to
distress.

21. Where any telephone works are placed in or upon any private premises for the purpose of the telephone service under this Act, 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.

Terms for
provision of
telephone service.

22. The Corporation may agree to supply telephone service to any person upon such terms and conditions and for such period as the Corporation may think fit:

Provided that the Corporation, without incurring any liability for so doing, may make a proportionate abatement in the sum agreed to be paid for the supply of such service and reduce such service as it may see fit if by reason of any unforeseen circumstances it is of the opinion that such service cannot be maintained fully.

23. If any person, entitled to a telephone service under any such agreement as in section 22 of this Act mentioned, makes default in payment of any sums payable by him under such agreement the Corporation may cut off the telephone service by severing or disconnecting any line or other work through which such service may be supplied.

Termination of telephone service in case of default by subscriber

24. Any person authorised in writing by the Corporation may at any time between eight o'clock in the morning and six o'clock in the evening, upon giving reasonable notice to the owner or occupier, enter any premises to which the telephone service is or has been supplied by the Corporation in order to examine the works for the supply of such service belonging to the Corporation or, when the Corporation is 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 Corporation and repairing all damage caused by such entry, inspection or removal:

Inspection of premises

Provided that any person so authorised may enter any such premises, without giving any notice to the owner or occupier, in case of an emergency affecting any apparatus belonging to the Corporation.

25. (1) For the purpose of the telephone service the Corporation may —

Powers of the Corporation to erect apparatus
14 cf 1971, s 2 and Sch

- (a) from time to time cause standards to be erected and telephone lines to be laid and carried through, over or under any enclosed or other land whatsoever (after reasonable notice in writing in that behalf, and, in the case of any street or other public land subject to agreement with the Minister charged with the responsibility for Public Works) doing as little damage as may be practicable;
- (b) from time to time in agreement with the Minister charged with the responsibility for Public Works cause to be constructed in any street all such kiosks or booths as may be necessary for

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- 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 houses or buildings or on any enclosures (doing as little damage as may be practicable thereto) or to be put up 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 Part of this Act, 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 bushwood growing upon any such land so entered upon:

Provided that the Corporation 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 Corporation shall at the expense of the Corporation remove or alter such work or shall give reasonable compensation as hereinafter provided by subsection (2) of this section.

(2) In exercise of the powers given by subsection (1) of this section the Corporation 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, in default of agreement between such person and the Corporation, shall be determined by the Supreme Court upon application made by either party within such time and in such manner as may be provided by rules made under section 76 of the Supreme Court Act. The compensation shall be paid promptly into the Consolidated Fund and the Minister of Finance by warrant in the usual manner shall forthwith direct the payment out of the Consolidated Fund to the person entitled thereto of the amount of such compensation when so determined.

26. (1) In any case in which it is found that any private telephone interferes or is likely to interfere with the installation or working of the telephone system maintained under this Part of this Act, it shall be lawful for a stipendiary and circuit magistrate upon the application of the Corporation to make an order empowering the Corporation 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 under the Magistrates Act or any Act passed in amendment thereof or substitution therefor.

Ch. 54.

27. The Corporation may —

Mobile stations.

- (a) establish radio communication services for telegraphic or telephonic communications with or between mobile stations in any part of The Bahamas or within the waters of The Bahamas and beyond, or in the air above The Bahamas or beyond, and provide such stations as may be required for the purpose of navigation, safety, control and administration, as well as for public convenience; and
- (b) establish such communication with fixed stations, and such ancillary or auxiliary services as may be required for the proper and efficient operation of the stations established under the provisions of this section.

28. All aircraft and vessels registered in The Bahamas shall conform with any international regulations concerning mobile stations which are from time to time in force.

Conformity by mobile stations with international regulations.

PART V MISCELLANEOUS

29. No person other than a citizen of The Bahamas shall be appointed to any office in the Corporation without the prior approval of the Minister.

Restriction on appointment of aliens to offices in the Corporation.
*E.L.A.O., 1974 ;
5 cf 1987, Sch*

Limitation of
liability of the
Corporation

30. In any case in which any message accepted for transmission by or transmitted via the works of the Corporation fails to arrive or is delayed by reason of any act or default of the Corporation or any of its officers, or the failure of any of its equipment or apparatus or otherwise, the liability (if any) of the Corporation to any person suffering loss or damage thereby shall in no circumstances exceed the sum paid for the transmission of such message.

Minister's
relations with the
Corporation

*14 cf 1971, s 2
and Sch*

31. (1) The Minister, after consultation with the Corporation, may give to the Corporation such directions, whether of a general or a specific character, as to the exercise and performance of its powers and duties under this Act as appear to the Minister to be requisite in the public interest and the Corporation shall give effect to any such directions.

(2) The Corporation shall afford to the Minister facilities for obtaining information regarding the property and activities of the Corporation and shall furnish him with minutes of all meetings, returns, accounts and all such other information of whatsoever kind as the Minister may require and shall afford him facilities for the verification of information furnished in such manner and at such times as he may require.