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THE TELEGRAPH ACT

[3rd January, 1879.]

Cap. 377.
Law
68 of 1958.
Act
14 of 1968.*Preliminary*

1. This Act may be cited as the Telegraph Act.

Short title.

2. The Lands Clauses Act is incorporated with this Act, except sections 10, 11, 84, 88, 89, 90, 91, 92, 93, 101, 103, 104 and 105, and except the provisions of that Act which are inconsistent with this Act; but payments and deposits required to be made by the promoters shall be made by the Accountant-General on the warrant of the Postmaster-General out of the Telegraph Fund.

Lands
Clauses
Act
partially
incorpor-
ated.

3. In this Act and the Lands Clauses Act—

Interpreta-
tion.

“the promoters” means the Postmaster-General;

“the undertaking” and “the works” include the laying out, constructing, altering and maintaining, the telegraphs in this Island authorized under this Act, and the works or undertaking by this Act authorized to be executed;

“telegraphs” means electric telegraphs, including post office telephone lines or works constructed or authorized under this Act;

14/1968
S. 2 (a).

“post office telephone line or work” means a wire or wires, conductor or other means, together with the poles or other supports therefor, used exclusively for the purpose of connecting a telephone in a post office with a telephone—

14/1968
S. 2 (b).

(a) in any other post office; or

(b) in any place declared under section 4 to be a specified place for the purposes of this Act;

14/1968
S. 2 (b).

“telephone” has the same meaning as in the Telephone Act.

Declaration
of specified
places.
14/1968
S. 3.

4. The Minister may from time to time by order declare any place specified in the order to be a specified place for the purposes of this Act.

Telegraphs—General Management

Construc-
tion, etc., of
telegraphs
and working
of same
under the
control of
the Post-
master-
General.

5. Subject to the directions of the Minister, the laying out, construction, erection, maintenance and altering, of the telegraphs, and the control of the expenditure of all sums allotted thereto, and the working of the telegraphs and the control and management of telegraph business shall be vested in the Postmaster-General, with respectively, such staff of engineers, electricians, superintendents and other subordinate officers and employees as the Governor-General may from time to time appoint or generally or specially sanction.

As to form
and execu-
tion of deeds
and
instruments
relating to
the works.

6. In all deeds or instruments under hand only relating to the works it shall be sufficient to describe the Postmaster-General by his said style of office without naming him, and his signature and seal to any such deed or his signature to any such other instrument shall be a sufficient execution thereof respectively by him.

Actions
by and
against
the Post-
master
General.
68/1958
S. 33.

*7. In any matter relating to the works the Postmaster-General may sue and be sued by his said style of office without naming him, and such action or suit shall not abate by reason of any change in the person for the time being holding the office of Postmaster-General.

*This section is repealed by section 33 of the Crown Proceedings Act, insofar as it affects proceedings by or against the Crown or any officer of the Crown as defined in that Act.

8. The Postmaster-General may from time to time make and when made alter or revoke rules fixing the rates to be paid for the transmission of messages, and for regulating the management and conduct of the business of the telegraphs, and for the protection of the telegraphs from injury or interference, and for the government of the officers and servants employed in the telegraph service.

Rules may be made.

Such rules shall be subject to the approval of the Minister who may allow, disallow, alter and add to such rules or any of them.

Such rules shall be published in the *Gazette*, and shall come into operation at the date mentioned in the publication.

The Postmaster-General shall cause copies of such rules to be affixed or posted in large type at all telegraph offices, and at such other public places as he may think fit.

General Powers to Construct Telegraphs, Acquire Lands and Raise Money

9. The Minister may from time to time by *Gazette* notice authorize the construction of electric telegraphs between any towns and places in this Island.

Power in Minister to authorize construction of telegraphs.

10. The Minister may raise by debentures at a rate of interest not exceeding five *per centum* per annum for the purposes of extending the telegraphs or otherwise such sums as may be sanctioned by a resolution of the House of Representatives and may borrow such sums from the Savings Bank on the security of such debentures.

Power to raise funds by debentures.

11. The Postmaster-General may acquire such lands and hereditaments, and erect such stations, houses and offices, with all necessary appliances, as he may from time to time deem necessary for the works; and the lands and heredita-

Power of acquiring and dealing with land.

ments so acquired shall be vested in the Commissioner of Lands for the purposes of the works, and for securing the repayment of the money raised under this Act, and interest thereon; and any of such lands so acquired as shall cease to be used or to be necessary for the purposes of this Act, and any surplus lands so acquired, may be sold, and the net proceeds paid to the Accountant-General to the credit of the Telegraph Fund.

Telegraph property vested in Accountant-General of Jamaica.

12. The property in the telegraphs, and in all materials of which the same consist, and the materials and other personalty provided for the construction, working and management thereof, shall be vested in the Accountant-General; and in all legal proceedings it shall be sufficient to state generally such materials and things to be the property of Her Majesty the Queen or of the Accountant-General.

Construction of Telegraphs

Powers for entry on lands and survey.

13. When it is proposed to lay out or alter a telegraph line the Chief Post Office Engineer may by an order under his hand, authorize any officer of his department, accompanied by such assistants as may be required, to enter at reasonable times upon any lands for the purpose of making such surveys as may be necessary to enable the said officers to make plans and sections of the proposed line and an estimate of the cost thereof.

Notice as to exercising same.

No officer or assistants shall enter upon lands under such authority until three days' notice in writing has been given to the occupier of the lands; or posted up conspicuously on the land, except by consent of such occupier.

14. The posts required for the works may be erected at the sides of any main roads or parochial roads, but so as not to obstruct the traffic; and the wires thereof may be stretched across or along the sides of any such main or parochial roads, or across any private lands, provided that when stretched across private lands they—

When and how posts may be erected and wires stretched.

- (a) do not interfere with or obstruct the occupiers of the lands in any business or cultivation carried on upon such lands; and
 - (b) do not approach ~~within~~ ten yards of a dwelling-house; and
 - (c) do not cross an avenue or approach to a dwelling-house; and
 - (d) are so stretched and kept stretched at a height of at least twelve feet from the ground;
- except with the consent of the occupier for the time being.

15. It shall be lawful for either the Chief Post Office Engineer or the Postmaster-General to cause any trees to be lopped and trimmed which may at any time grow or hang so as to touch or be likely to touch any telegraph post or wires.

Power to lop trees touching the posts or wires.

Offences

16. Every person who commits any breach of any rule made under the provisions of section 6 shall be liable on summary conviction to a penalty not exceeding ten dollars.

Penalties on breach of rules.

Penalties shall be paid over to the Telegraph Fund.

Legal

Exemption
from per-
sonal
respon-
sibility of
the Chief
Post
Office
Engineer
and
Postmaster-
General.

68/1958
S. 33.

17. The Chief Post Office Engineer and Postmaster-General shall be exempt^o from personal responsibility in respect of any claim in relation to the works or arising in the conduct of the telegraph business *and all damages and costs recovered against either of them for any such claim shall be paid by the Accountant-General on the order of the Minister out of the Telegraph Fund.

Financial

Realization
from loans
or the works
to be paid
to the credit
of the Tele-
graph Fund.

18. All moneys raised by debentures under this Act shall be paid to the Accountant-General to the credit of an account to be called the Telegraph Fund, and all moneys realized from the works shall be paid to the credit of the same fund, at such times and in such manner as the Minister may direct.

*The words "and all damages.....Fund" following the asterisk are repealed by section 33 of the Crown Proceedings Act, insofar as they affect proceedings by or against the Crown or any officer of the Crown as defined in that Act.