



MONTSERRAT

CHAPTER 18.08

TELECOMMUNICATIONS ACT and Subsidiary and Related Legislation

Revised Edition

showing the law as at 1 January 2008

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

TELECOMMUNICATIONS ACT

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Amended by Acts: 1 of 1953
18 of 1954
23 of 1961

Amended by S.R.O.: 15/1956

TELECOMMUNICATIONS RULES – Section 18

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S.R.O. 16/1951 .. in force 11 June 1951

Amended by S.R.O.s: 25/1952, 1/1953, 11/1954 and 44/2005

TELECOMMUNICATIONS (LICENCES AND FEES) ORDER – Section 6

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S.R.O. 27/1958 .. in force 24 July 1958

CABLE AND WIRELESS (WEST INDIES) LIMITED (TELEPHONE AND TELEX SYSTEM) ACT

59

Act 14 of 1966 .. in force 19 November 1966

Amended by Act 22 of 1973



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CHAPTER 18.07

TELECOMMUNICATIONS ACT

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CHAPTER 18.07

TELECOMMUNICATIONS ACT

(Acts 13 of 1949, 1 of 1953, 18 of 1954, 23 of 1961 and S.R.O. 15/1956)

Commencement

[11 June 1951]

Short title

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

Interpretation

2. (1) In this Act—

“**dealer**” means a person having in his possession for sale in the way of his business any telecommunications apparatus;

“**occupier**” means a person having the charge, management or control of any premises or place and includes a sub-tenant or lodger occupying separate rooms in any premises;

“**telecommunications**” means any transmission, emission, or reception of signs, signals, writing, images and sound or intelligence of any nature by wire, radio, visual or other electro-magnetic systems;

“**telecommunications apparatus**” includes any appliance used or intended to be used for the purpose of telecommunications;

“**telecommunications officer**” means the person appointed by the Governor under section 3;

“**telecommunications receiving set**” means a telecommunications apparatus used or intended to be used for the reception of messages, entertainment or other communications by means of telecommunications;

“**telecommunications station**” means a station used for telecommunications and includes a mobile station;

“**television**” means a system of telecommunications for the transmission of transient images of fixed or moving objects.

(2) Any term used in this Act or in the rules made thereunder if not otherwise defined shall have the meaning assigned thereto in the Radio Regulations annexed to the International Telecommunication Convention, 1947, or in any International Telecommunication Convention amending or substituted for the same.

Appointment of telecommunications officer

3. The Governor may appoint a telecommunications officer for Montserrat to carry out the provisions of this Act.

Licence for telecommunications

4. (1) No person shall establish any telecommunications station or install, work or operate any telecommunications apparatus in any place in Montserrat or on board any ship or aircraft registered in Montserrat except under and in accordance with a licence granted in that behalf under the provisions of this Act and subject to such conditions and restrictions as may be prescribed by rules made under this Act.

(2) In any case in which it shall appear to the Governor in Council that no provision has been made by rules made under this Act for the issue of an appropriate licence, or that the circumstances of the case justify the issue of a special licence, the Governor in Council may, notwithstanding the provisions of section 6, issue a special licence for the establishment of a telecommunication station and the installation, working and operation of telecommunication apparatus therein on payment of such fees and on such terms and conditions as to the Governor in Council may seem fit.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence under this Act and on conviction the Court, in addition to any penalty provided by this Act, may order that any telecommunications apparatus in connection with which the offence was committed be forfeited to the Crown.

Dealer's licence

5. (1) No person shall sell, offer for sale, let on hire, or otherwise deal in telecommunications apparatus unless he is the holder of a dealer's licence issued to him under the provisions of this Act.

(2) Every licensed dealer shall at all times afford to the telecommunications officer or any person authorized in writing by him all information in his possession with respect to any sale or otherwise of telecommunications apparatus.

Grant of licences and fees thereon

6. (1) Licences under this Act may be granted by the telecommunications officer and by any person duly authorized in writing by the Governor in that behalf and shall be for such period and subject to such fees, if any, as the Governor in Council may determine.

(2) The telecommunications officer and every person authorized as aforesaid shall keep a register in which he shall enter the particulars contained in every licence issued by him.

Record book to be kept by licensed dealer

7. (1) Every licensed dealer shall keep a book to be called the “Telecommunications Receiving Set Record Book” and shall, immediately after receipt of any telecommunications receiving set, make or cause to be made entry therein of the date of such receipt, the number and full description of each kind of receiving set received, and the name and address of the person or persons from whom received. The licensed dealer shall also enter in such record book any telecommunications apparatus which he has constructed or assembled together for the purpose of use, sale or hire.

(2) Every licensed dealer shall immediately after delivery of a telecommunications receiving set, make or cause to be made in the Telecommunications Receiving Set Record Book entry of the date of such delivery, the name and address of the person to whom delivered, the description of every telecommunications receiving set delivered, and the cause of such delivery whether on sale, hire, loan or otherwise.

(3) Any person who contravenes any of the provisions of this section or who in the purchase, sale, hire, or delivery of any telecommunications apparatus knowingly makes or causes to be made any false entry or statement as to any matter which he is required by this section to make, shall be liable, on summary conviction, to a penalty not exceeding \$48.

Inspection of licence

8. Every person who is required to possess a licence under this Act shall exhibit his licence for inspection on demand to the telecommunications officer or any person duly authorized in writing by him to make such demand or to a police officer.

Liability of occupier

9. The occupier of any premises or place in which is installed any telecommunications apparatus in respect of which a licence is not in force shall be deemed to have installed the same unless and until the contrary is proved.

Telecommunications apparatus on ships and aircraft

10. (1) No person shall work any telecommunications apparatus installed on—

- (a) any ship whilst that ship is in the territorial waters of Montserrat; or
- (b) any aircraft whilst that aircraft is in or over Montserrat or the territorial waters thereof,

otherwise than in accordance with rules made in that behalf by the Governor in Council.

(2) Any person who contravenes or permits, procures or assists in the contravention of any such rules shall be guilty of an offence under this Act.

Disposal of privately owned telecommunications apparatus

11. (1) Notwithstanding anything contained in this Act any person who owns any telecommunications apparatus for his own private use, and in respect of which he holds the appropriate valid licence, may sell or otherwise dispose of such telecommunications apparatus to any other person without being licensed as a dealer:

Provided that in the case of the sale or disposal of any telecommunications apparatus forming part of any telecommunications station licensed under this Act, the person so selling or disposing of the same shall within fourteen days of such sale or disposition notify the telecommunications officer thereof in writing, stating the name and address of the person to whom such telecommunications apparatus has been sold or otherwise disposed of, and the description of such telecommunications apparatus.

(2) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding \$25.

Disclosure of communications

12. Any person who—

- (a) without authority in writing first had and received from the Governor in Council intercepts any telecommunications not intended for the general public and discloses or makes use of the contents, or even discloses the existence of such telecommunications; or
- (b) being employed or engaged in any capacity whatsoever at a telecommunications station, contrary to his duty discloses or in any way makes use of, or intercepts the contents or any part of the contents of any message transmitted or received or to be transmitted or delivered at or from such station,

shall be guilty of an offence under this Act.

Stoppage of transmission of telegram

13. It shall be lawful for the Governor or any person duly appointed by him in writing in that behalf to stop the transmission of any telegram in any case where it appears to the Governor that the contents thereof are dangerous to the security of the British Commonwealth or any part thereof, or contrary to the laws of Montserrat or to public order or decency.

Injury to apparatus etc., and obstruction

14. Any person who unlawfully and maliciously—

- (a) removes, injures or destroys any apparatus or installation for the purpose of telecommunications or any part of such apparatus or installation; or
- (b) obstructs or prevents in any manner whatsoever the sending, conveying, delivery or receipt of any message or signal by telecommunications,

shall be guilty of an offence and shall on summary conviction be liable to a penalty not exceeding \$500 or to imprisonment for a term not exceeding six months, or on conviction on indictment to imprisonment for a term not exceeding two years.

Search warrant

15. (1) If a Magistrate is satisfied by information on oath that there is reasonable ground for supposing that a telecommunications station has been or is being established without a licence in that behalf, or that any telecommunications apparatus has been installed, worked, operated or concealed in any place in Montserrat or on board any ship or aircraft registered in Montserrat without a licence in that behalf or contrary to the provisions of this Act or any rules made thereunder or of any licence granted under this Act, he may grant a search warrant authorizing the telecommunications officer or any police officer with such assistance as may be necessary to enter, inspect and search at any time of the day or night the station, place, ship or aircraft, and to seize any apparatus which appears to him to be used or intended to be used for telecommunications.

(2) All telecommunications apparatus that may be found upon any such search may, by order of a Magistrate, be forfeited to the Crown.

Control of telecommunications in case of emergency

16. It shall be lawful for the Governor, where in his opinion an emergency has arisen in which it is expedient for the public service or in the public interest that Her Majesty should have control over the transmission and reception of messages to or from any telecommunications station in Montserrat during such emergency, to take possession of and assume control of any telecommunications station or apparatus in Montserrat, to be used for Her Majesty's service and subject thereto for such ordinary service as may seem fit, or to direct and authorize such persons as he thinks fit to assume the control of the transmission and reception of messages either wholly or partly and in such manner as he directs.

Suppressors or other devices required to be used for reducing electrical interference

17. No person shall use or cause to be used any vehicle, apparatus, motor, machinery, installation or appliance which is capable of causing electrical interference with the lawful and normal operation or use of any duly licensed telecommunications station, telecommunications receiving set or telecommunications apparatus unless such vehicle, apparatus, motor, machinery, installation, or appliance be first equipped with filters, suppressors, or other devices or otherwise so modified as to reduce such electrical interference to a negligible and acceptable amount to the satisfaction of the telecommunications officer.

Rules

18. (1) The Governor in Council may make rules in respect of any matter and for any purpose relating to telecommunications and for more effectually carrying into effect the purposes of this Act and may attach to any breach of any such rules a penalty not exceeding \$50 recoverable on summary conviction.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for the following matters—

- (a)* regulating and prescribing the duties of telecommunications officers;
- (b)* the types and forms of licences and the manner in which applications for licences are to be made;
- (c)* the licensing of dealers in and the sale or transfer of telecommunications apparatus;
- (d)* the terms on which and the conditions and restrictions subject to which licences shall be granted and the duties of licensees;
- (e)* the conditions under which telecommunications may be worked in Montserrat and on ships or on any aircraft while in or over Montserrat or the territorial waters thereof;
- (f)* the securing of the safety of the public from personal injury;
- (g)* the control, measurement and suppression of electrical interference in relation to the working of telecommunications apparatus;
- (h)* controlling the user of any instrument or apparatus erected, constructed, established or maintained under a licence granted under this Act and the transmission or reception of any messages thereby;
- (i)* for obtaining secrecy on the part of all persons employed in or in any way connected with the maintenance and working of any telecommunications station and prescribing the form

and nature of any oath of secrecy to be taken by any such person;

- (j) the examination of applicants for licences to establish and to operate a telecommunications station and for the examination of apparatus and equipment; and
- (k) the register and records to be kept with respect to licences issued under this Act.

(3) All such rules shall be published in the *Gazette*, and as from the date of publication or from the date specified therein shall have the same force and effect as if they were contained in and formed part of this Act.

Right of entry, etc.

19. (1) A telecommunications officer or any person duly authorized by him shall have the right at all reasonable hours to enter and inspect any telecommunications station in respect of which a licence is issued under this Act. If on such inspection it is found that the terms, conditions or restrictions laid down in the licence or in any rule under this Act are not being complied with, the telecommunications officer may order the use of the telecommunications station and apparatus to be discontinued and thereupon the licence in respect thereof shall be cancelled.

(2) Every person who obstructs the telecommunications officer or any person duly authorized by him in the course of his duties under this section shall be guilty of an offence under this Act.

Penalties

20. Any person guilty of an offence under this Act shall, where no penalty is expressly provided, be liable on summary conviction to a penalty not exceeding \$250 or to imprisonment, for a term not exceeding six months, or to both such imprisonment and fine.

Exemption

21. Nothing in this Act extends to any ship or aircraft belonging to or exclusively employed in the service of Her Majesty or any foreign warship or service aircraft, or to any telecommunications apparatus thereon.

Licence to Cable and Wireless (West Indies) Limited not to be affected

22. Nothing in this Act contained shall in any way affect or restrict the operation of any licence granted to Cable and Wireless (West Indies) Limited or its assignee under the provisions of any law in force in Montserrat on the coming into operation of this Act.

TELECOMMUNICATIONS RULES

ARRANGEMENT OF RULES

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3. Form of licence
4. Requirements of licence
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MARINE TELECOMMUNICATIONS INSTALLATIONS

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7. Mobile and fixed telecommunications
8. Licences for radio telephone, etc.

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TELECOMMUNICATIONS BROADCASTING STATION LICENCE

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SCHEDULE: Forms

TELECOMMUNICATIONS RULES – SECTION 18

(S.R.O.s 16/1951, 25/1952, 1/1953, 11/1954 and 44/2005)

Commencement

[1 June 1951]

Short title

1. These Rules may be cited as the Telecommunications Rules.

PART I

AMATEUR TELECOMMUNICATIONS STATIONS AND LICENCES

Amateur telecommunications station licences

2. The establishment of an amateur telecommunications station will be authorized and licences issued subject to the following conditions—

- (a) application must be made in writing to the telecommunications officer setting out the following particulars, that is to say, age of applicant, type of equipment to be employed, reasons for applying for an amateur licence and the nature of investigations intended;
- (b) a licence will be issued to persons of British nationality only. The applicant must produce evidence of British nationality and two references as to character, who must not be related to the applicant and must themselves be of British nationality and be persons of reputable standing:

Provided that the Governor in Council, with the approval of a Secretary of State, may, in any particular case, authorize the issue of a licence, with and subject to such additional conditions, to be included in the licence, as the Governor in Council may deem expedient, to a person who is not of British nationality;

- (c) the Licensee shall observe the provisions of the International Telecommunication Convention and the Regulations annexed to the said Convention and any conditions which may be set out on the licence;
- (d) the Licensee shall not receive any payment (either direct or indirect) for the use of the station or allow the station to be controlled by or used for the purposes of any social or political organization.

Form of licence

3. An amateur telecommunications station licence shall be in the Form “A” of the Schedule.

Requirements of licence

4. Every applicant for an amateur telecommunications licence will be required to satisfy the telecommunications officer as to his technical knowledge of the theory and practice of telecommunications and his ability to send and receive messages in the morse code at a speed of at least twelve words per minute in plain language. For this purpose the telecommunications officer may direct that the applicant submit himself for examination, the syllabus of which shall be—

Electricity and Magnetism

The elementary theory of electricity; conductors and insulators; units including power, ohm’s law; resistances in series and parallel.

Permanent magnets and electro-magnets and their uses in radio.

Self and mutual inductance; types of inductances used in receiving and transmitting circuits. Capacitance, capacitors in series and parallel; construction of condensers; electrolytic condensers.

Radio Principles (Elementary treatment only)

Alternating currents; series and parallel A.C. circuits incorporating inductance, capacitance and resistance, impedance, resonance, acceptor and rejector circuits; coupled circuits.

Radio waves; wavelength, frequency; velocity; nature and propagation of radio waves; fading and its connection with frequency, length of path.

Thermionic Valves and Circuits

Construction of valves; thermionic emission; principles and characteristics of diode and triode valves. Multi-electrode valves.

Use of valves; amplification, oscillation, frequency changing, signal detection; the power stage; power rectification. Power packs for H.T. supply; smoothing.

Radio Receivers

The essentials of a receiver. Typical receivers; principles and operation of T.R.F., superheterodyne and super-regenerative receivers. C.W. reception. Interference caused by receivers.

Low-Power Transmitters

Oscillator circuits; frequency stability; use of quartz crystal to control oscillators; frequency multipliers; power amplifiers. Methods of modulation and keying.

Avoidance of harmonic radiation and interference by shock excitation; use of key-click filters and other means of preventing spurious emissions. Dangers of overmodulation. Use of wavetraps and other devices for reducing interference with nearby broadcast receivers.

Aerials

Simple types of receiving and transmitting aerials. Transmission lines. Simple directional aerials. Aerial couplings to lines and transmitters.

Measurements

Measurements of frequency and simple frequency meters (including crystal type). Artificial aerial and their use for lining up transmitters. Measurement of anode D.C. current and voltage. Power input to final stage.

Licence Conditions

Conditions laid down for transmitting licences covering power and frequencies, frequency control and measurement, sending periods, avoidance of interference to other stations, log of sending periods, use of call-signs of calling and called stations, control in emergency, etc. (Particular importance is attached to this section of the syllabus).

Proof of competency in morse transmission and reception must be given in a test transmission and reception in which a speed of 12 words per minute in plain language must be achieved:

Provided that the telecommunications officer may, in the case of an applicant who possesses equivalent or better technical qualifications, exempt him from submitting to an examination, the onus however being on the applicant to produce satisfactory evidence of his qualifications.

Requirements for operation of amateur telecommunications station

5. An amateur telecommunications station must operate within the band of frequencies specified in the licence and must be so adjusted that no interference shall be caused on frequencies outside of the specified band. Adequate frequency stabilization must be employed and stability must be in accordance with the Radio Regulations.

PART II

MARINE TELECOMMUNICATIONS INSTALLATIONS

Categories of marine radio installations

6. Marine radio installations for radio telegraph operation will be considered in two categories—

- A. Cargo vessels not exceeding 1,600 tons gross tonnage and passenger vessels whose route of operation does not involve distances of more than 200 miles from the nearest land.
- B. Cargo vessels exceeding 1,600 tons and passenger vessels whose operations involve distances in excess of 200 miles from the nearest land.

Vessels in category A may be fitted with radio telegraph installations on a voluntary basis for operation on the 500 Kc marine radio telegraph channel and such other of the appropriate maritime mobile frequencies as may be published from time to time. Such vessels may employ radio telephony if desired.

Vessels in category B *must* be fitted with a radio communication installation conforming with the international requirements, except that passenger vessels up to and including 1,600 tons gross operating on routes not exceeding 200 miles from the nearest land may be authorized to carry a radio telephone installation in lieu of the radio telegraph.

In all other cases radio telegraph facilities must be provided and such facilities shall be in accordance with the international requirements as regards power, type of equipment and installation.

Mobile and fixed telecommunications

7. (1) Mobile and fixed radio communication for marine operations shall be operated in accordance with these Rules and International Regulations as in force from time to time.

(2) Marine radio installations when operating on the frequencies specified in the licence must conform with the International Regulations regarding frequency tolerances and must not cause interference on any other frequencies.

(3) The operating procedure for marine radio service shall be in accordance with the international Regulations for Maritime Mobile Service.

(4) The transmission of unnecessary or anonymous calls is forbidden.

(5) The use of radio apparatus while in port or harbour is prohibited except in cases of emergency or for urgent messages, when no other form of communication is available.

(6) A log book giving a record of calls made and time should be kept by all licensed cargo and passenger vessels.

(7) The radio installation, accessories, and all logs and message files shall be available for inspection at any reasonable time by the telecommunications officer or a person duly authorized by him in that behalf.

(8) It is prohibited to receive radio correspondence other than that which the station is authorized to receive, but, in case such correspondence is received involuntarily, it must be neither reproduced nor communicated to third persons, nor used for any purpose whatever, and the very existence thereof must not be revealed. The contents of any message must not be disclosed other than to the addressee.

(9) Marine radio installations for radio telephone operation shall consist of transmitting and receiving equipment suitably installed for operation by the master of the vessel, or his duly authorized agent, on the appropriate frequencies.

(10) The equipment when operating on the frequencies specified in the licence must not cause interference on any other frequency and must be within the tolerances specified.

Licences for radio telephone, etc.

8. (1) Licences are required for each radio telephone or telegraph installation and for operating personnel.

(2) The form of aeronautical radio telephone operating licence shall be in the Form “B” of the Schedule.

(3) The form of Marine Radio Telephone operating licence shall be in Form “C. 1” or “C. 2” of the Schedule. Such licences shall be of two kinds, viz.—

Radio telephone licence A.	General
Radio telephone licence B.	Restricted

and will be granted to applicants with the following qualifications—

Licence A

- (a) Practical knowledge of radiotelephony, especially as regards the avoidance of interference.
- (b) Knowledge of the adjustment and working of radiotelephone apparatus.
- (c) Ability to send correctly and to receive correctly by telephone.
- (d) Knowledge of the Regulations applying to the exchange of radio-telephone communications and of the part of the Radio Regulations relating to the safety of life.

Licence B

- (a) Ability to send correctly and receive correctly by telephone.
- (b) Knowledge of the Regulations applying to the exchange of radio-telephone communications and of the part of the Radio Regulations relating to the safety of life.

(4) The form of Ship Radio Communication licence shall be in the Form “D” of the Schedule.

(5) The form of a Business Radio Licence shall be in the Form “D 1”, “D 2” or “D 3” of the Schedule, according to the class of licence applied for.

Form “D 1” shall be granted in respect of a Land Station.

Form “D 2” shall be granted in respect of a Mobile Station.

Form “D 3” shall be granted in respect of a Coast Station.

(6) Marine Radio telegraph licences for operating personnel will be of three kinds, viz.—

First Class, Second Class and Special

and will be granted to applicants with the following qualifications—

(a) *First Class Licence*

A first class licence in the Form “E” in the Schedule will be issued to operators who have given proof of the technical and professional knowledge and qualifications set out below—

- (i) Knowledge of general principles of electricity, of the theory of radiotelegraphy and radiotelephony, and of the adjustment and practical working of the types of apparatus used in the radiotelegraph and radiotelephone mobile service, including apparatus for radio direction-finding and the taking of direction-finding bearings.
- (ii) Theoretical and practical knowledge of the working of the accessory apparatus, such as motor-generators, accumulators, etc., used in the operation and adjustment of the apparatus specified in (i).
- (iii) Practical knowledge necessary to effect, with the means available on board, the repair of damage which may occur to the apparatus during a voyage.
- (iv) Ability to send correctly and to receive correctly by ear, code groups (mixed letters, figures and signs of punctuation), at a rate of 20 (twenty) groups a minute, and a plain language passage at a speed of 25 (twenty-five) words a minute. Each code group must comprise five characters, each figure or punctuation mark counting as two characters. The passage in plain language must average five characters to the word. The duration of each test of sending and of receiving will, as a rule, be five minutes.
- (v) Ability to send correctly and to receive correctly by telephone.
- (vi) Detailed knowledge of the Regulations applying to the exchange of radio communications, knowledge of that part of the Convention for the Safety of Life at Sea which relates to radiotelegraphy.
- (vii) Knowledge of the general geography of the world, especially the principal navigation routes and the most important telecommunications routes.
- (viii) If necessary, knowledge of a language widely used in the international correspondence of the mobile service. Candidates

should be able to express themselves in a satisfactory manner, both orally and in writing.

(b) *Second Class Licence*

A second class licence in the Form “F” in the Schedule will be issued to operators who have given proof of the technical and professional knowledge and qualifications enumerated below—

- (i) Elementary theoretical and practical knowledge of electricity, radiotelegraphy and radiotelephony, as well as knowledge of the adjustment and practical working of the types of apparatus used in the mobile radiotelegraph and radiotelephone service, including apparatus for radio direction-finding and the taking of direction-finding bearings.
- (ii) Elementary theoretical and practical knowledge of the working of the accessory apparatus, such as motor generator sets, accumulators, etc., used in the operation and adjustment of the apparatus mentioned in (i).
- (iii) Practical knowledge sufficient for effecting minor repairs in case of damage occurring to the apparatus.
- (iv) Ability to send correctly and to receive correctly by ear, code groups (mixed letters, figures and signs of punctuation) at a speed of 16 (sixteen) groups a minute and a plain language passage at a speed of 20 (twenty) words a minute. Each code group must comprise five characters, each figure or punctuation mark counting as two characters. The duration of each test of sending and the receiving is, as a rule, five minutes.
- (v) Ability to send correctly and to receive correctly by telephone.
- (vi) Knowledge of the Regulations applying to the exchange of radio communications, knowledge of that part of the Convention for the Safety of Life at Sea which relates to radiotelegraphy.

(c) *Special Licence*

A special licence in the Form “G” in the Schedule will be issued to operators on proof of the following qualifications—

- (i) Ability to send and receive plain language and code groups at a speed of 15 (fifteen) words per minute.
- (ii) Knowledge of the Regulations and Procedures and the procedure for emergency and safety operations.
- (iii) Knowledge of the particular equipment to be operated and ability to operate the installation correctly and to ensure correct frequency of transmission and reception.
- (iv) Ability to carry out simple maintenance and replacements.

PART III

TELECOMMUNICATIONS BROADCASTING STATION LICENCE

Application for licence

9. (1) Application for licence to establish, install, work and operate a telecommunications broadcasting station shall be in the Form “H” of the Schedule.

(2) An applicant for a licence to provide telecommunications services shall in addition to form “H” provide a full account of its corporate structure, a clear explanation of the services it intends to provide, method by which it proposes to provide such services and an assessment of the beneficial socioeconomic impact of the grant of the licence.

(3) A separate application with all the information required under paragraph (2) above shall be made in respect of each type of telecommunication service for which a licence is sought.

(4) A license granted under these regulations is personal to the individual or corporate body to whom it is granted and may not be transferred assigned or pledged to any other legal person without the written consent of the Governor thereto.

(Amended by S.R.O. 44/2005)

Form and conditions of licence

10. Every such licence shall be in the Form “I” of the Schedule and shall be subject to the following additional conditions and restrictions—

(1) The frequency of the waves emitted shall be as constant and as free from harmonics and other unessential emissions as the state of the air permits.

(2) Keying shall be effected in such manner that key clicks are minimised as much as possible.

(3) Aerials or aerial feeders shall be coupled in such manner as to minimise the radiation of harmonics and key clicks and to ensure that no direct current or low frequency alternating current is applied to the aerial or the aerial feeders.

(4) The authorized call letters as inserted in the licence shall be used on all occasions when communication is effected and in the case of radio-telephone stations the call letters shall be followed by an announcement of the town and country in which the calling station is situated.

(5) A log shall be kept in which shall be entered the following details of all calls and communications effected—

(a) date;

(b) time each transmission is commenced and ended;

(c) frequency expressed in kilocycles or megacycles, on which the transmission is effected;

- (d) power (input to the anode or anodes of the valve or valves coupled to the aerial).
- (6) The telecommunications officer shall be satisfied—
 - (a) that a frequency meter or other equipment is always available to the Licensee to check the frequency of transmission; and
 - (b) that the Licensee understands the use of the equipment used for checking such frequency.
- (7) Except as may be necessary for authorized systems of modulation, unrectified or inadequately smoothed alternating current, or inadequately smoothed direct current shall not be applied to any circuit in such manner as to modulate unnecessarily the carrier wave.
- (8) Save and in so far as may be specially provided in the terms of any licence the use of spark transmitting apparatus shall be prohibited except in cases of danger or distress when the use of any system of communication concerned with safety of life shall be permitted.

PART IV

PRIVATE TELECOMMUNICATIONS STATION AND LICENCE

Form and granting of licence

11. (1) A Private Telecommunications Station licence may be granted for the purpose of radio telecommunication with fixed stations in Montserrat or such other stations as may from time to time be approved by the Governor and shall be in the Form “N” of the Schedule.

(2) An application for a private telecommunications station licence shall be made in writing to the telecommunications officer and shall give full particulars of the make of transmitter and receiver together with the exact locality in which they are to be installed and the time at which it is proposed to operate the station.

(3) Such licence shall normally only be issued for the exchange of private and business messages of the licensee, but the telecommunications officer may require the station, from time to time, to transmit and receive public correspondence at such rates as may be fixed by the licensee.

(4) A private telecommunications station licence shall be granted only where no public radio telephonic communication is reasonably available.

Licensing requirement of operator

12. A telecommunications officer may require a station licensed as a private telecommunications station to be operated by the holder of an aeronautical radio telephone operating licence or marine radio telephone operating licence, or marine radio telegraph licence for operating personnel.

Allocation of frequencies, etc.

13. (1) The frequencies or wavelengths at which any private telecommunications station shall be operated shall be allocated by the telecommunications officer at the time the licence is granted.

(2) The licensee shall provide such station with an adequate means of determining the frequency or length of wave emitted.

Inspection

14. The telecommunications apparatus and equipment shall be open to inspection by the telecommunications officer or his nominee at all reasonable times.

Operating instructions

15. Every licensee shall conform with any operating instructions issued by the telecommunications officer and with the conditions set out in his licence.

Annual licences and renewals

16. Notwithstanding the provisions of subrule (1) of rule 31, private telecommunications station licences shall be annual and shall expire on the 31st day of December of the year in which they are issued, and application should be made for renewal of such licences not later than one month before the expiration thereof.

Suspension or withdrawal of licence

17. The telecommunications officer may suspend or withdraw any private telecommunications station licence if a state of emergency arises in which it is expedient in the public interest to do so or if the licensee contravenes any of the conditions attached to his licence:

Provided that any licensee who is aggrieved by a suspension or withdrawal of his licence under this rule may, within one month of such suspension or withdrawal, appeal in writing to the Governor whose decision shall be final.

PART V**TELECOMMUNICATIONS (RECEIVING) LICENCES****Application for licence**

18. Every purchaser of a telecommunications (receiving) apparatus shall immediately make application to the telecommunications officer for a licence which shall be in Form "J" of the Schedule. Application forms will be made available to the dealers of radio apparatus and must be filled in at the time of purchase and transmitted to the telecommunications officer.

Cancellation on ceasing to possess apparatus

19. Any holder of such a licence who ceases for any reason to possess a telecommunications (receiving) apparatus shall within seven days of such cessation produce his licence to the telecommunications officer for cancellation. All licences not cancelled by the 31st January in any year shall be deemed to be in force for that year.

Licences for press messages, etc., to organisations only

20. Licences for the operation of telecommunications (receiving) apparatus for the reception of press messages, stock market quotations, etc., either by manual, facsimile or other automatic printing apparatus will be issued only to *bona fide* press or other organizations, who give proof of authorization, by agreement or by partnership, from the originators or publishers of the information transmitted for such reception.

Issue of licences to organisations

21. Licences will be issued permitting the installation and operation of telecommunications (receiving) apparatus in accordance with the appropriate use of such press or other services. The telecommunications officer may prescribe on the licence such conditions as may be necessary according to the agreement with the originators of the transmitted information.

Form of licence

22. Telecommunications (receiving) apparatus licences shall be in the Form “K” of the Schedule with such variations as may be necessary to make the same applicable.

Limitation on use of apparatus

23. No telecommunications (receiving) apparatus licensed for the reception of press messages, stock market quotations, etc. may be used for the reception of public correspondence, nor may any matter received be sold or disclosed to the public other than in the form of press publications carried in the authorized press publications.

Licence not to infringe copyright

24. No licence shall authorize the Licensee to do any act which is an infringement of any copyright which may exist in the matter transmitted.

PART VI

ELECTRICAL INTERFERENCE WITH TELECOMMUNICATIONS RECEPTION

Suppression of interference

25. If at any time any vehicle, apparatus, motor, machinery, installation or appliance as described in section 17 of the Telecommunications Act, causes interference with any telecommunications station or reception, the telecommunications officer may require such vehicle, apparatus, motor, machinery,

installation or appliance to be fitted at the owner's expense with devices or suppressors to limit such interference and thereafter such vehicle, apparatus, motor, machinery, installation or appliance shall not be used without such devices.

Where suppression not possible

26. If it is found impossible to suppress such interference the telecommunications officer may require the owner of the vehicle, apparatus, motor, machinery, installation or appliance to discontinue its use or to remove the same to such a distance from any telecommunications station or telecommunications (receiving) apparatus as may be necessary to limit interference.

PART VII

USE OF TELECOMMUNICATIONS ON SHIPS AND AIRCRAFT

Use of telecommunications on merchant ship

27. (1) All apparatus for telecommunications on board a merchant ship in the territorial waters of Montserrat shall be worked in such a way as not to interfere with—

- (a) naval signalling; or
- (b) the working of any telecommunications station lawfully established, installed or worked in Montserrat or the territorial waters thereof, and in particular the said apparatus shall be so worked as not to interrupt or interfere with the transmission of any messages between telecommunications stations established as aforesaid on land and telecommunications stations established on ships at sea.

(2) For the purposes of the foregoing rule “**naval signalling**” means signalling by telecommunications between two or more ships of Her Majesty's Navy, between ships of Her Majesty's Navy and Naval Stations, or between a ship of Her Majesty's Navy or Naval Station and any other telecommunications station whether on shore or on any ship.

(3) No apparatus for telecommunications on board a merchant ship shall be worked or used while such ship is in any harbour, port or bay of Montserrat except with the special or general permission of the telecommunications officer.

(4) For the purpose of any proceedings under this Part, the master or person being or appearing to be in command or charge of any ship shall be deemed to have authorized and to be responsible for the use or working of any telecommunications apparatus on board such ship.

(5) Any summons or other document in any proceedings under this Part shall be deemed to have been duly served on the person to whom the same is addressed by being left on board the ship on which the offence is charged to have been committed with the person being or appearing to be in command or charge of the ship.

(6) The foregoing provisions of this rule shall not apply to the use of telecommunications for the purpose of making or answering signals of distress.

Use of telecommunications by aircraft

28. The use of apparatus for telecommunications on civil aircraft whilst that aircraft is in or over Montserrat or the territorial waters thereof is permitted only for navigational purposes in connection with the landing and berthing of the aircraft or for necessary signals in a case of emergency.

PART VIII

LICENSED DEALERS

Applications for licence

29. Every person who intends to apply for a dealer's licence shall make application therefor in Form "L" of the Schedule, and the applicant shall furnish all the particulars required by the said Form.

Form of licence

30. Every dealer's licence shall be in Form "M" of the Schedule, and shall be subject to the terms and conditions therein set forth.

PART IX

GENERAL

Period of licence, etc.

31. (1) The telecommunications officer may, either generally or in any particular case, apply to the Governor in Council for the fixation of the period or periods for which licences may be granted and the fees, if any, to be payable in respect thereof.

(2) If any licence granted under the provisions of sub-rule (1) is accidentally destroyed, defaced or lost, the telecommunications officer may, on being satisfied as to the destruction, defacement or loss of such licence, grant to the licensee a certificate setting out the purport and effect of such licence, and such certificate shall have the same force and effect as the original licence.

(3) On or after the expiration of an amateur telecommunications station licence or a broadcasting station licence by effluxion of time, the holder of the expired licence may apply to the telecommunications officer for a renewal of such licence and the telecommunications officer, on being satisfied that the applicant has during the currency of his licence observed the conditions contained therein, shall renew the expired licence by endorsing thereon or, if a certificate has been issued in place of the original licence in pursuance of the provisions of sub-rule (2) by endorsing on such certificate, the period for which such renewal is granted.

Secrecy

32. The holder of a licence, other than a dealer's licence, is required to preserve the secrecy of telecommunications as provided in Article 32 of the International Telecommunication Convention (Atlantic City, 1947). Moreover, the interception of radio communication correspondence other than that which the station is authorized to receive, is forbidden, and that in the case where such correspondence is involuntarily received, it must not be reproduced, nor communicated to third parties, nor used for any purpose, and even its existence must not be disclosed.

Statutory declaration

33. Every licensed operator shall before entering on his duties make the following statutory declaration—

"I, do solemnly and sincerely declare that I will not improperly divulge to any person the purport of any message which I may transmit or receive by means of any telecommunications apparatus operated by me or which may come to my knowledge in connection with the operation of the said apparatus.

Signature of Declarant

Declared before me this day of, 20..... .

.....
Telecommunications Officer".

Offence

34. Any person who acts in contravention of or fails to comply with any of the provisions of these rules shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding \$50.

SCHEDULE

FORM A

(Regulation 3)

TELECOMMUNICATIONS ACT

AMATEUR TELECOMMUNICATIONS STATION LICENCE

Name of Licensee

Address

Call Sign

Frequencies power authorized and type of transmission authorized.

Frequency Power Type of Transmission

No change of power, frequency or type of emission may take place without authorization.

Licence No. Date of issue

Valid to
Telecommunications Officer

CONDITIONS

1. Messages may be exchanged only with amateur stations (as defined by the International Radio Regulations) in Montserrat or abroad. Except as is in this condition expressly provided messages exchanged by means of the station shall relate solely to the Licensee's private (but not business) affairs or those of the persons with whom he is communicating and shall be in plain language. Special gramophone records for reproducing modulations of definite tones may be used for test purposes. Gramophone records of the type intended for entertainment purposes may be used on the condition that only one such record is used during the course of any day, the same record being repeated as desired; any record so used shall not have a playing time exceeding 10 minutes when played at the correct speed.

2. The use of the station for (a) advertising or business purposes, (b) the sending or reception of news or the messages of persons other than the Licensee or the person with whom he is communicating, (c) the sending or reception of broadcast programmes or (d) the sending or reception of social or political propaganda or the messages of any social or political organization is expressly prohibited. The Licensee

shall not receive any payment (either direct or indirect) for the use of the station or allow the station to be controlled by or used for the purpose of any social or political organization.

3. If any message which the Licensee is not entitled to receive is nevertheless received, the Licensee shall not make known or allow to be made known its contents, its origin or destination, its existence or the fact of its receipt to any person (other than a duly authorized officer of Her Majesty's Government or a competent legal tribunal) and shall not reproduce in writing, copy or make any use of such message or allow the same to be reproduced in writing, copied or made use of.

4. A running record shall be kept in a book of approved type (not loose-leaf), of all sending periods showing the date and time of each period and the frequency and type of emission employed. No gaps shall be left between entries in the log. The record of sending periods shall in all cases be initialled at the time of recording by the Licensee.

5. The station shall be subject to the approval of the telecommunications officer and together with the record of transmissions and this licence shall be open to inspection at all reasonable times by officers duly authorized by the telecommunications officer.

6. An amateur station must operate within the band of frequencies specified on the licence and must be so adjusted that no interference shall be caused on frequencies outside of the specified band. Adequate frequency stabilisation must be employed and stability must be in accordance with the Radio Regulations.

7. The Licensee shall observe the provisions of the International Telecommunication Convention and the Radio Regulations.

8. The station shall always be equipped for the reception of signals sent on frequencies in current use at the station at any time by means of continuous wave telegraphy, telephony and any other type of emission authorized.

9. This licence does not authorize the reception of broadcast programmes for entertainment purposes. For the reception of broadcast programmes for entertainment a separate broadcast receiving licence is necessary.

FORM B

(Regulation 8(2))

TELECOMMUNICATIONS ACT

AERONAUTICAL TELECOMMUNICATIONS LICENCE

(RADIO TELEPHONE)

Name

Age Place and date of birth

Address

Signature

The holder of this Licence is authorized to operate aeronautical telecommunications equipment for radio telephony.

Type of Equipment

.....

.....

It is certified that the holder possesses the requisite knowledge of procedure.

Date examined Licence No.

Date

.....
Telecommunications Officer

FORM C 1

(Regulation 8(3))

TELECOMMUNICATIONS ACT

MARINE TELECOMMUNICATIONS OPERATING LICENCE (A)

(RADIO TELEPHONE)

General

Name Place and date of birth

.....

Colour of hair Complexion

Height Colour of eyes

Any special peculiarities

CONDITIONS.

The holder of this licence is authorized to operate marine radio telephone equipment and hereby agrees that he will not divulge, other than to the addressee, the contents or purport, of any communication, transmitted received or intercepted by means of any radio installation under his control. This licence authorizes the holder to effect repairs to radio-telephone equipment.

Date

Licence No.

Valid to

PHOTOGRAPH.

Signature of Licensee

Address

.....

Telecommunications Officer

FORM C 2

(Regulation 8(3))

TELECOMMUNICATIONS ACT

MARINE TELECOMMUNICATIONS OPERATING LICENCE (B)

(RADIO TELEPHONE)

Restricted

Name Place and date of birth

.....

The holder of this RESTRICTED Licence is authorized to operate marine radio telephone communication and hereby agrees that he will not divulge, other than to the addressee, the contents or purport of any communications transmitted received or intercepted by means of any radio installation under his control. This licence does not allow the holder to make any alterations or adjustments to the equipment of installation, except under the supervision of an operator carrying a radio telephone general licence Category A or a first or second class radio telegraph licence.

Date

Licence No.

Valid to

Signature of Licensee

Address

.....

.....

Telecommunications Officer

FORM D

(Regulation 8(4))

TELECOMMUNICATIONS ACT

SHIP RADIO COMMUNICATION LICENCE

Licence No.

1. Name of Vessel Call Sign
2. Port of Registration
3. Official No Gross Tonnage
4. Passenger or Cargo
5. Normal routes
6. Licensee
7. Address of Registered owner (hereinafter called the Licensee)
.....

The Licensee accepts responsibility for all accounts, and such accounts will be rendered to Licensee's address.

8. Frequencies—

*Transmitting**Receiving*

.....kcs.

.....kcs.

....."

....."

....."

....."

....."

....."

....."

....."

9. Emissions

10. Description of Transmitter(s)

Manufacturer	Type No.	Serial No.	Power	Freq.	Range	Emission

11. Power Supply

12. Antenna details

13. Auxiliary equipment

Description of Receiver(s)

Manufacturer	Type No.	Serial No.	Frequency Range

14. The Licensee agrees to have the above described apparatus operated at all times by an operator licensed in accordance with the provisions of the Telecommunications Act.

15. Operation shall be carried out in accordance with the Telecommunications Rules by a qualified operator of British nationality holding a telegraph or telephone licence issued by the telecommunications officer or by a person duly authorized, as specified by the International Telecommunication Convention (Atlantic City, 1947).

16. An accurate log shall be kept of all transmissions and calls received, and shall include the frequency used and time in Greenwich Mean Time. An accurate file of all messages shall be kept on board the vessel in a safe place for at least one year. The log and file shall be produced for inspection at any reasonable time by the telecommunications officer or by an officer authorized in writing by the Governor.

17. The radio installation, accessories and all logs and message files shall be available for inspection at any reasonable time by the telecommunications officer or an officer appointed in writing by the Governor.

18. The Radio Regulations annexed to the International Telecommunication Convention (Atlantic City 1947) shall apply, and a copy of these Regulations shall be kept on the ship together with such Regulations as may be issued from time to time.

19. The use of radio apparatus while in port is prohibited except in cases of emergency, or for urgent messages when no other form of communication is available. Such communication may only be made to the nearest radio station. Minimum power must be used and operation must cease immediately on request.

20. It is prohibited to receive radio correspondence other than that which the station is authorized to receive, but, in case such correspondence is received involuntarily, it must neither be reproduced nor communicated to third persons, nor used for any purpose whatever, and the very existence thereof must not be revealed.

21. Change of owner invalidates this licence and necessitates application for a new licence.

.....
Telecommunications Officer

Licence valid from to

22. I agree to accept and abide by the terms of this licence and to operate the equipment in accordance with requirements of the publications given in paragraph 18, or as communicated from time to time and to abide by the Oath of Secrecy, issued with the operator's Licence.

.....
Owner

.....
Name of Operator

Date

FORM D 1

(Regulation 8(5))

TELECOMMUNICATIONS ACT

BUSINESS RADIO LICENCE

Land Station

Licence No.

Name of License

Name of Station Call Sign

Situation of Station

Frequencies—

Transmitting

Receiving

..... kcs.

..... kcs.

Power supply

Description of Transmitter

Manufacturer	Type No.	Serial No.	Power	Freq.	Range	Emission

Description of Receiver

Manufacturer	Type No.	Serial No.	Frequency Range

This Licence authorizes the Licensee to establish and maintain a Land Station at the premises hereinbefore described (hereinafter called “the Station”) and to work the Station in the mobile service for the purpose of sending and receiving spoken messages on the business of the Licensee relating to between the Station and Mobile Station which is licensed to work for the same purpose on and subject to the conditions hereinafter contained.

The term “**business**” used in this Licence does not include the business of sending or receipt of messages of other persons or corporations unless the sending or receipt of such messages is authorized in writing by the Governor and subject to such conditions as may be specified in such authority.

CONDITIONS

1. The Licensee agrees to have the above described Station operated at all times by an operator licensed in accordance with the provisions of the Telecommunications Act.

2. Operation shall be carried out in accordance with the Telecommunications Rules by a qualified operator of British nationality holding a telegraph or telephonic licence issued by the telecommunications officer or by a person duly authorized, as specified by the International Telecommunications Convention (Atlantic City, 1947).

3. An accurate log shall be kept of all transmissions and calls received, and shall include the frequency used and time in Greenwich Mean Time. An accurate file of all messages shall be kept at the Station in a safe place for at least one year. The log and file shall be produced for inspection at any reasonable time by the telecommunications officer or by an officer authorized in writing by the Governor.

4. The radio installation, accessories and all logs and message files shall be available for inspection at any reasonable time by the telecommunications officer or an officer appointed in writing by the Governor.

5. The Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947) shall apply, and a copy of the Telecommunications Rules shall be kept at the Station with such Rules as may be issued from time to time.

6. It is prohibited to receive radio correspondence other than that which the Station is authorized to receive, but, in case such correspondence is received involuntarily, it must neither be reproduced nor communicated to third persons, nor used for any purpose whatever, and the very existence thereof must not be revealed.

.....
Telecommunications Officer

I agree to accept and abide by the terms of this Licence and to operate the equipment in accordance with requirements of the publications given in paragraph 5 or as communicated from time to time and to abide by the Oath of Secrecy, issued with the Operator's Licence.

.....
Licensee

.....
Name of Operator

Date

FORM D 2

(Regulation 8(5))

TELECOMMUNICATIONS ACT

BUSINESS RADIO LICENCE**Mobile Station**

Licence No.

Name of License

Name of Station Call Sign

Area of operation of Station

Frequencies—

*Transmitting**Receiving*

..... kcs.

..... kcs.

Power supply

Description of Transmitter

Manufacturer	Type No.	Serial No.	Power	Freq.	Range	Emission

Description of Receiver

Manufacturer	Type No.	Serial No.	Frequency Range

This Licence authorizes the Licensee to establish and maintain a Mobile Station (hereinafter called “the Station”) and to work the Station in the mobile service within the area hereinbefore described for purposes of sending and receiving spoken messages on the business of the Licensee relating to between the Station and the Land Station which is licensed to work for the same purpose, on and subject to the conditions hereinafter contained.

The term “**business**” used in this Licence does not include the business of sending or receipt of messages of other persons or corporations unless the sending or receipt of such messages is authorized in writing by the Governor and subject to such conditions as may be specified in such authority.

CONDITIONS

1. The Licensee agrees to have the above described Station operated at all times by an operator licensed in accordance with the provisions of the Telecommunications Act.
2. Operation shall be carried out in accordance with the Telecommunications Rules by a qualified operator of British nationality holding a telegraph or telephonic licence issued by the telecommunications officer or by a person duly authorized, as specified by the International Telecommunication Convention (Atlantic City, 1947).
3. An accurate log shall be kept of all transmissions and calls received, and shall include the frequency used and time in Greenwich Mean Time. An accurate file of all messages shall be kept at the Station in a safe place for at least one year. The log and file shall be produced for inspection at any reasonable time by the telecommunications officer or by an officer authorized in writing by the Governor.
4. The radio installation, accessories and all logs and message files shall be available for inspection at any reasonable time by the telecommunications officer or an officer appointed in writing by the Governor.
5. The Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947) shall apply, and a copy of the Telecommunications Rules shall be kept at the Station with such Rules as may be issued from time to time.
6. It is prohibited to receive radio correspondence other than that which the Station is authorized to receive, but, in case such correspondence is received involuntarily, it must neither be reproduced nor communicated to third persons, nor used for any purpose whatever, and the very existence thereof must not be revealed.

.....
Telecommunications Officer

I agree to accept and abide by the terms of this Licence and to operate the equipment in accordance with requirements of the publications given in paragraph 5 or as communicated from time to time and to abide by the Oath of Secrecy, issued with the Operator's Licence.

.....
Licensee

.....
Name of Operator

Date

FORM D 3

(Regulation 8(5))

TELECOMMUNICATIONS ACT

BUSINESS RADIO LICENCE

Coast Station

Licence No.

Name of Licensee

Name of Station

Situation of Station Call Sign

Frequencies—

Transmitting

Receiving

..... kcs.

..... kcs.

Power Supply

Description of Transmitter

Manufacturer	Type No.	Serial No.	Power	Freq.	Range	Emission

Description of Receiver

Manufacturer	Type No.	Serial No.	Frequency Range

This Licence authorizes the Licensee to establish and maintain a Coast Station at the premises hereinbefore described (hereinafter called “the Station”) and to work the Station in the maritime mobile service for the purpose of sending and receiving spoken messages on the business of the Licensee relating to between the Station and the vessel which is licensed to work for the same purpose on and subject to the conditions hereinafter contained.

The term “**business**” used in this Licence does not include the business of sending or receipt of messages of other persons or corporations unless the sending or receipt of such messages is authorized in writing by the Governor and subject to such conditions as may be specified in such authority.

CONDITIONS

1. The Licensee agrees to have the above described Station operated at all times by an operator licensed in accordance with the provisions of the Telecommunications Act.

2. Operation shall be carried out in accordance with the Telecommunications Rules by a qualified operator of British nationality holding a telegraph or telephonic licence issued by the telecommunications officer or by a person duly authorized, as specified by the International Telecommunication Convention (Atlantic City, 1947).

3. An accurate log shall be kept of all transmissions and calls received, and shall include the frequency used and time in Greenwich Mean Time. An accurate file of all messages shall be kept at the Station in a safe place for at least one year. The log and file shall be produced for inspection at any reasonable time by the telecommunications officer or by an officer authorized in writing by the Governor.

4. The radio installation, accessories and all logs and message files shall be available for inspection at any reasonable time by the telecommunications officer or an officer appointed in writing by the Governor.

5. The Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947) shall apply, and a copy of the Telecommunications Rules shall be kept at the Station with such Rules as may be issued from time to time.

6. It is prohibited to receive radio correspondence other than that which the Station is authorized to receive, but, in case such correspondence is received involuntarily, it must neither be reproduced nor communicated to third persons, nor used for any purpose whatever, and the very existence thereof must not be revealed.

.....
Telecommunications Officer

I agree to accept and abide by the terms of this Licence and to operate the equipment in accordance with requirements of the publications given in paragraph 5 or as communicated from time to time and to abide by the Oath of Secrecy, issued with the Operator's Licence.

.....
Licensee

.....
Name of Operator

Date

FORM E

(Regulation 8(6)(a))

TELECOMMUNICATIONS ACT

MARINE RADIO TELEGRAPH OPERATING LICENCE

(FIRST CLASS)

Name Place and date of birth

Colour of hair Complexion

Height Colour of eyes

Any special peculiarities

The holder of this licence has qualified in all the tests for a First Class marine radio telegraph licence and is authorized to operate and maintain marine radio telegraph and telephone installations. The holder hereby agrees that he will not divulge, other than to the addressee, the contents or purport of any communication transmitted or received by any radio installation under his control.

PHOTOGRAPH

Date Signature of Licensee

Licence No. Address

Valid to

.....
Telecommunications Officer

FORM F

(Regulation 8(6)(b))

TELECOMMUNICATIONS ACT

MARINE RADIO TELEGRAPH OPERATING LICENCE

(SECOND CLASS)

Name Place and date of birth

Colour of hair Complexion

Height Colour of eyes

Any special peculiarities

The holder of this licence has qualified in all tests for a Second Class marine radio telegraph licence and is authorized to operate radio telegraph and radio telephone installations and to carry out routine maintenance of the radio installation. The holder hereby agrees that he will not divulge, other than to the addressee, the contents or purport of any communication transmitted or received by any radio installation under his control.

PHOTOGRAPH

Date Signature of Licensee

Licence No. Address

Valid to

.....
Telecommunications Officer

FORM G

(Regulation 8(6)(c))

TELECOMMUNICATIONS ACT

MARINE RADIO TELEGRAPH OPERATING LICENCE

(SPECIAL CLASS)

The holder of this Licence is authorized to operate the particular radio installation upon which he has been examined.

The holder hereby agrees that he will not divulge, other than to the addressee, the contents or purport of any communication transmitted or received by any radio installation under his control.

Date Signature of Licensee

Licence No. Address

Valid to

.....
Telecommunications Officer

Name of vessel

Type of radio equipment

Name and address of owners

.....

FORM H

(Regulation 9)

TELECOMMUNICATIONS ACT

**APPLICATION FOR LICENCE TO INSTALL AND
OPERATE A BROADCASTING STATION**

1. Name
2. Address
3. Nationality
4. Age of applicant
5. Reason for application
6. Address where apparatus is to be used
7. Who will maintain apparatus
8. What qualifications for this purpose has this person
.....
9. Who will operate the apparatus
10. What qualifications for this purpose has this person
.....
11. If transmissions are to be effected what will be the power applied to the valve
feeding the aerial
12. State the frequency or frequencies intended to be used for transmissions
..... .
13. If transmissions are to be effected please indicate the nature of them, viz:
telephone, telegraph, broadcast, television, etc.
14. Are the persons nominated to maintain and operate the apparatus acquainted
with the provisions of the Radio Regulations annexed to the International
Telecommunication Convention (Atlantic City, 1947) in so far as they are
applicable to the purpose of this application

Signature of Applicant

Date

FORM I

(Regulation 10)

TELECOMMUNICATIONS ACT

LICENCE TO INSTALL AND OPERATE BROADCASTING STATION

..... hereinafter called the "Licensee" is hereby authorized (subject in all respects to the Telecommunications Act and Rules) to establish, install, work and operate a broadcasting station (hereinafter called the "Station") at in until the day of, 20..... subject to the following conditions—

1. The Licensee shall observe the provisions of the International Telecommunications Convention, 1947, and the Radio Regulations annexed thereto in so far as they are applicable to the Station.

2. Messages shall be sent only on the frequency within the band and by the type of emissions following—

Power in Watts	Frequency in kilocycles per second	Approximate equivalent in wavelengths	System

3. The call signal is allotted to the Station and shall be used as prescribed by the said Radio Regulations, and the Telecommunications Rules.

4. The Station shall be used in such manner as not to cause interference with any other stations outside the authorized band.

5. The granting of this Licence does not authorize the Licensee to do any act which is an infringement of any copyright which may exist in any matter transmitted or received.

Date of issue

.....
Telecommunications Officer

FORM J

(Regulation 18)

TELECOMMUNICATIONS ACT

APPLICATION FOR RECEIVING SET LICENCE

Full name of applicant

Address of applicant

Description and location of place where it is proposed to install and use the set
.....

FORM K

(Regulation 22)

TELECOMMUNICATIONS ACT

RECEIVING SET LICENCE

No.

M
*(Name in full)*of
(Address in full)

is hereby authorized (subject in all respects to the Telecommunications Act and Rules) to install, work and operate a telecommunications Receiving Set for the purpose of receiving messages and programmes for
at for a period ending on the date shown hereunder.

Dated this day of, 20..... .

.....
Telecommunications Officer

This licence expires on the day of, 20..... .

FORM L

(Regulation 29)

TELECOMMUNICATIONS ACT

APPLICATION FOR DEALER'S LICENCE

Name of applicant

Address of applicant

Description and location of place where it is proposed to sell or deal in
telecommunications apparatus

.....

Particulars of telecommunications apparatus in which it is proposed to deal

.....

.....

Date, 20..... .

Signature of Applicant

FORM M

(Regulation 30)

TELECOMMUNICATIONS ACT

DEALER'S LICENCE

No.

M
*(Name in full)*of
(Address in full)

hereinafter called the Licensee is hereby licensed, subject to the terms, provisions and conditions herein set forth, to sell, let on hire and deal in telecommunications apparatus at until the day of, 20..... .

CONDITIONS

The Licensee shall not use or cause or allow the use at his licensed premises of any telecommunications apparatus in such a manner as to cause interference with any other licensed or authorized telecommunications apparatus or service or in such a manner as to cause unreasonable and unwarranted noise or disturbance outside his own licensed premises.

.....
Telecommunications Officer

FORM N

(Regulation 11)

TELECOMMUNICATIONS ACT

PRIVATE TELECOMMUNICATIONS LICENCE

Licence No.

Name of Licensee

Address

Location of Station

Details of Equipment

Transmitter

Receiver

Power Supply

Antenna

Authorized Frequency

Power

Type of Emission

.....

The above Station is authorized to operate on the following schedules—

Call Sign

Date of issue

Valid to

.....
Telecommunications Officer

CONDITIONS

1. Messages shall be directed either to a Government Telecommunications Station in Montserrat or to such other radio Stations as may, from time to time, be approved by the Governor.

2. (1) An accurate log shall be kept of all transmissions and calls received, and shall include the frequency used and time in Greenwich Mean Time. An accurate file of all messages shall be kept at the Station in a safe place for at least one year. The log and file shall be produced for inspection at any reasonable time by the telecommunications officer or by an officer authorized in writing by the Governor.

(2) All logs and message files shall be available for inspection by the telecommunications officer or an officer appointed in writing by the Governor.

3. The Radio Regulations annexed to the International Telecommunication Convention (Atlantic City 1947) and kept in force by the International Telecommunication Convention, Buenos Aires, 1952, or any Regulations amending or substituted for the same shall apply and a copy of the Telecommunication Rules shall be kept at the Station with such Rules as may be issued from time to time.

4. Neither the licensee nor his operator shall divulge the contents of any message to any person other than the addressee nor shall the existence of such message be disclosed to any unauthorized person, nor shall the licensee or his operator make use of the contents of any message received or intercepted unless addressed to the licensee or his operator.

I agree to abide by the terms of this licence.

.....
Licensee

Date

TELECOMMUNICATIONS (LICENCES AND FEES) ORDER – SECTION 6

(S.R.O. 27/1958)

Commencement

[24 July 1958]

Short title

1. This Order may be cited as the Telecommunications (Licences and Fees) Order.

Interpretation

2. In this Order—

“**initial charge**” means the fee chargeable, in addition to the annual licence fee and the transfer charge, in respect of a station when licensed for the first time;

“**licence**” means a licence granted under section 6 of the Telecommunications Act;

“**transfer charge**” means the additional fee chargeable when the power of the transmitter at a station is increased beyond the maximum of the category within which it was originally licensed.

Period and expiration of licences

3. Applications for licences and renewals thereof shall be made in the month of January in each year and every such licence or renewal shall expire on the 31st day of December in the year in which it is taken out.

Fees for licences

4. (1) There shall be paid to the Accountant General of Montserrat for every licence and for every renewal thereof, as the case may be, the fees and charges specified in the Schedule.

(2) If a licence is taken out not more than six months before the 31st day of December of any year one-half only of the appropriate fee specified in the said Schedule shall be payable.

Amateur licences charged on power

5. The licence fee and charges in respect of an Amateur Telecommunications Station shall be chargeable according to the power allocated to the transmitter at such station at the time of the granting of a licence or of transfer to a higher power.

SCHEDULE*(Regulation 4(1))***LICENCE FEES AND CHARGES**

1. For an Amateur Telecommunications Station Licence:

<i>Power</i>	<i>Initial Charge</i>	<i>Transfer Charge</i>	<i>Annual Fee</i>
	\$	\$	\$
(i) 1–10 watts	2.40	–	4.80
(ii) 10–25 watts	4.80	2.40	7.20
(iii) 25 watts–1 kilowatt	4.80	2.40	9.60

2. For an Aeronautical Telecommunications Licence (Radio Telephone) 72.00

3. (i) For a Marine Telecommunications Operating Licence
(A) *General (Radio Telephone)* 4.80(ii) For a Marine Telecommunications Operating Licence
(B) *Restricted (Radio Telephone)* 2.40

4. For a Ship Radio Communication Licence 12.00

5. For a Marine Radio Telegraph Operating Licence:

(i) First Class 7.20

(ii) Second Class 4.80

(iii) Special Class 2.40

6. For a Telecommunications Broadcasting Station Licence:

(i) General 96.00

(ii) For broadcasting a special event or series of events 10.00

CHAPTER 18.08

**CABLE AND WIRELESS (WEST INDIES) LIMITED
(TELEPHONE AND TELEX SYSTEM) ACT**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Company may execute works
4. Depth, course, etc., of underground line, how settled
5. Alteration of Company's works in certain cases
6. Alteration or removal of posts in certain cases
7. Conditions and restriction as to opening or breaking up of street or road
8. Powers and duties of Company as to breaking up etc., of street or road may be assumed by the Director of Public Works, etc.
9. Works on land or building; conditions of placing
10. Cutting or removal of trees and branches
11. Special service for Government
12. Seizure of Company's works by Government in cases of emergency
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16. Company to maintain works in efficient manner
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29. Computation of time
30. Payment of charges – how enforced
31. Subscriber's liability in giving notice

32. Injury or obstruction of Company's works
33. Attempt to injure or obstruct
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36. Company's liability for accidents, damages, etc.
37. Saving power as to street, etc.
38. Saving rights of Crown
39. Telecommunications Act not to apply to this Act
40. Exclusive right of the Company. Private service

CHAPTER 18.08

CABLE AND WIRELESS (WEST INDIES) LIMITED (TELEPHONE AND TELEX SYSTEM) ACT

(Acts 14 of 1966 and 22 of 1973)

AN ACT TO PROVIDE FOR THE MAINTENANCE, OPERATION AND EXTENSION OF
THE TELEPHONE SYSTEM OF CABLE AND WIRELESS (WEST INDIES) LIMITED.

Commencement

[19 November 1966]

Short title

1. This Act may be cited as the Cable and Wireless (West Indies) Limited (Telephone and Telex System) Act.

Interpretation

2. (1) In this Act—

“**body**” includes the Government, or any board, company, or society, whether incorporated or not; and any provision referring to a body applies to a person, as the case may require;

“**land**” means land not being a street or road, and not being land by the side and forming part of the road, and includes land laid out for and proposed by the owner to be converted into a street or road;

“**line**” includes a wire or wires, conductor, or other means used for the purpose of telephonic, telex or electric signalling communication, and any casing, coating, covering, tube, pole, pipe, or insulator, enclosing, surrounding, or supporting the same, or any apparatus connected therewith or any part thereof;

“**message**” means any communication transmitted or intended to be transmitted by a line;

“**Minister**” means the Minister of Communications and Works, being the Minister charged with the responsibility for the subject of Communications;

“**owner**” as regards Crown lands, means the head of the department of Government under whose management or control the said lands are, and, as regards other land, means the person having actual possession of the same;

“**post**” includes any post, pole, standard, bracket stay, support, or other above-ground contrivance for carrying, suspending, or supporting a line;

“road” means a public highway for vehicular traffic not being a street, and repaired at the public expense or at the expense of any municipal body, local road board, or other local authority, and includes any bridge forming part thereof, and also any land by the side and forming part of such public highway;

“service” includes building, maintaining, and operating a telephone or telex system, and the utilisation of the same for the purpose of transmitting the sound of the human voice over, through, or by means of an electric wire or other electric device;

“street” means a public way situate in any town or village, or between lands continuously built upon either side and repaired at the public expense or at the expense of any municipal body, local road board, or other local authority, and includes footpaths of such way and any forming part thereof;

“subscriber” means any body or person who shall enter into an agreement or contract with the Company for being provided with telephonic or telex service, or telephonic, telex or electric signalling communication, or for the hire or use of any telephone, telex apparatus or lines, or appliances connected therewith;

“system” includes the buildings, installations, exchanges, lines, posts, mechanical appliances, and things of whatsoever description required for the purpose of supplying or providing telephones telex apparatus, telephone or telex service, and telephonic, telex electric signalling communication;

“the Company” means Cable and Wireless (West Indies) Limited, a company with limited liability incorporated under the laws of England and whose registered office is situate in London;

“tree” means any tree, wood, bamboo, underwood, or other produce of the soil whether cultivated or not;

“undertaking” means the whole undertaking authorised by this Act;

“water authority” means the body or person having the management and control of the water supply;

“works” includes any work which the Company have authority to execute or maintain under this Act, and includes lines, posts, cables, conduits, and also any buildings, machinery, mechanical appliances, engines, works, matters, or things, of whatever description, required to maintain or supply telephone or telex service and telephonic, telex or electric signalling communication, and to carry into effect the objects of the Company under this Act.

(2) Expressions referring to the construction or maintenance of a line along any street, road, land, or building, mean the placing or maintaining of a line over, along, under, or across such street, road, land, or building, and the placing or maintaining of posts or other structures in or upon such street, road, land, or building.

Company may execute works

3. Subject to the restrictions and provisions hereinafter contained, the Company shall have the right to execute works as follow—

- (a) they may from time to time place and maintain the line over, under, or along any street or road, and may alter, replace, or remove the same;
- (b) they may from time to time, for the purposes aforesaid, open or break up any street or road, and subject to the approval of the water authority, alter the position thereunder of any of (not being a main) for the supply of water;
- (c) they may from time to time place and maintain a line over, under, or along any land, or building, and may alter, replace or remove the same:

Provided that the Company shall not be deemed to acquire any right other than that of user only in the soil of any street or road over, under or along which they may place any work:

Provided further that the Company may maintain and work the system already established and such system shall be subject to the restrictions and provisions of this Act as far as the same is applicable to it.

Death, course, etc., of underground line, how settled

4. Where, by virtue of the powers of the Company under this Act, they intend to proceed with the placing of a line in, over, or under a street or road, the depth, course, and position at and in which the same is to be placed shall be settled between the Company and the Director of Public Works: but if such settlement is not come to with the Director of Public Works the following provisions shall take effect—

- (a) the Company shall give the Director of Public Works notice specifying the depth, course, and position which the Company desire;
- (b) if the Director of Public Works does not within 21 days after the giving of such notice, give to the Company a counter-notice objecting to the proposal of the Company and specifying the depth, course, and position which the Director of Public Works desires, he shall be deemed to have agreed to the proposal of the Company;
- (c) in the event of ultimate difference between the Company and the Director of Public Works, the depth, course and position shall be determined by the Minister.

Alteration of Company's work in certain cases

5. In the event that road diversion or construction schemes (whether instituted by the Government or by a private party) necessitate the re-siting

of Company property, if the original siting was agreed between all the parties concerned, then and in such case the expenditure incurred by the Company in such re-siting shall normally be for the account of the Government, or of such private party, as the case may be. Where, however, such work improves the facilities of the telephone service, the Company shall share in the expenditure involved to an extent mutually agreed between both parties. *(Substituted by Act 22 of 1973)*

Alteration or removal of posts in certain cases

6. Where the Company have placed posts in or upon a street or road, and the Director of Public Works considers the position of any such post to be dangerous or inconvenient, the following provisions shall have effect—

- (a) the Director of Public Works may give to the Company a notice requiring them to remove or alter the position of such post, and specifying the grounds of such requisition;
- (b) the Company either shall, within fourteen days after the receipt of such notice, remove or alter the position of the post in accordance with the notice, or shall, within one week after receipt of the notice, deliver to the Director of Public Works a counter-notice, specifying their objection to such removal or alteration;
- (c) the difference between the Company and the Director of Public Works shall be settled by the Minister, who, upon receipt of copies of the notice and counter-notice, or if no counter-notice as above-mentioned is delivered, shall make enquiry and examination and direct that the Company shall comply with the notice, wholly or in part, subject to any such modifications as the Minister prescribes, or on condition that the Director of Public Works shall afford to the Company all reasonable and proper facilities in its power for substituting some other work for that to which the notice relates, or any such other condition as to the Minister seems just and expedient, and the expenses incurred in respect of such removal or alteration shall be borne and paid by the Company.

Conditions and restrictions as to opening or breaking up of street or road

7. Subject to any special stipulations between the Company and the Director of Public Works and to any determinations, orders, or directions, of the Minister as aforesaid, where the Company proceeds to open or break up a street or road, the following provisions shall have effect—

- (a) the Company shall give to the Director of Public Works notice of their intention to break up such street or road, specifying the time at which they will begin to do so; such notice shall be given, in the case of underground work, five

days at least, and, in the case of aboveground work, five days at least, before the commencement of the work except in cases of emergency, in which case notice of the work proposed shall be given as soon as may be after the commencement thereof;

- (b) the Company shall, with all convenient speed, complete the work on account of which they opened or broke up such street or road, and fill in the ground, and make good the surface, and generally restore such street or road to as good a condition as that in which it was before being opened or broken up;
- (c) the Company shall in the meantime cause the place where the roadway is opened or broken up to be protected and lighted by night to the satisfaction of the Traffic Commissioner;
- (d) they shall not stop or impede traffic in any street or road, or into or out of any street or road, further than is necessary for the proper execution of their works. They shall not close against traffic more than one-third in width of any street or road, or of any way opening into any street or road, at one time; and in case two-thirds of such street or road are not wide enough to allow vehicles to pass each other, they shall not occupy with their works at one time more than one hundred feet in length of the one-third thereof, except with the special consent of the Minister;
- (e) if the Company make default in complying with any of the provisions of this section, they shall, in addition to any other compensation which they may be liable to make under the provisions of this Act, make full compensation to the Director of Public Works for any loss or damage which may be incurred by reason thereof, and, in addition thereto, they shall be liable to a penalty of \$20 for every such default, and, in case of a continuing offence, to a further penalty of \$5 for every day after the first day during which such default continues:

Provided that the Company shall not be subject to any such penalties as aforesaid if the Court having cognisance of the case shall be of opinion that the case was one of emergency, and that the Company complied with the requirements of this section so far as was reasonable under the circumstances.

Powers and duties of Company as to breaking up etc., of street or road may be assumed by the Director of Public Works, etc.

8. (1) The Director of Public Works, may if he thinks fit, from time to time serve a notice upon the Company, stating that he desires to exercise or discharge all or any part of any of the powers or duties of the Company as therein specified in relation to the breaking up, filling in, reinstating, or

making good any road or street under the control of the Director of Public Works, and may from time to time amend or revoke any such notice by any other notice similarly served.

(2) The Company shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid.

(3) The Company shall, not less than two and not more than four days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the Director of Public Works stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.

(4) Upon receipt of any such requisition as last aforesaid, the Director of Public Works may proceed to exercise or discharge any such powers or duties as required by the Company, subject to the like restrictions and conditions as the Company would themselves be subject to in such exercise or discharge so far as the same may be applicable.

(5) All expenses properly incurred by the Director of Public Works in complying with any requisition of the Company under this section shall be repaid to him by the Company and may be recovered summarily before the Magistrate, who shall have power to determine the amount thereof.

(6) The Director of Public Works may from time to time, if he thinks fit, require the Company to give him such security for the payment by them of any expenses incurred or to be incurred by him under this section as may be determined upon by agreement, or, in case of difference either as to the nature of such security or the amount thereof, by the Minister. If the Company fail to give such security within seven days after being required so to do, or, in case of difference, after such difference has been determined by the Minister, they shall not be entitled to serve any further requisition upon the Director of Public Works requiring him to exercise or discharge any powers or duties under this section until such security has been duly given:

Provided that nothing in this section shall affect the right of the Company to exercise or discharge any powers or duties conferred or imposed upon them by this Act in relation to the execution of any work beyond the actual breaking up, filling in, reinstating, or making good any such street or road as in this section mentioned.

Works on land or building; conditions of placing

9. (1) The Company shall not place any work by the side of any road or building so as to hinder or interfere with ingress into or egress from the same, nor shall the Company place any work under or along any land or building except with the previous authority of the owner thereof.

(2) The Company shall make full compensation to the owner of any land or building under or along which the Company by virtue of the authority so conferred, place a line, and which may be shown to be in any

respect prejudicially affected thereby, the amount of such compensation to be fixed by agreement, or, in case of difference, by arbitration.

(3) If at any time the owner of any land or building over which the Company have, by virtue of the authority so conferred, placed a line, intends to build upon such land, or to raise or otherwise improve any such building, the Company shall, within fourteen days after receiving from such owner a notice of such intention, alter the position of such line so that it may not hinder or interfere with such intended improvement.

(4) In case of difference between the Company and such owner as to his intention, the Company shall be bound to alter the position of such line, as hereinbefore provided, within fourteen days after receiving a certificate signed by the Director of Public Works certifying that he is satisfied that such owner intends to improve such land or building.

Cutting or removal of trees and branches

10. In the course of constructing or maintaining any work of the Company, the Company may, by their officers or by agents duly authorised in writing, cut or remove any branch or other part of a tree overhanging any street or road where such branch or other part of a tree tend to interfere with, endanger or otherwise prejudicially affect such work.

Special service for Government

11. (1) The Governor may, by written request, require the Company to provide, erect, and maintain such lines and mechanical appliances as may be necessary for securing any special telephonic or telex communication or separate telephonic or telex intercommunication for the public service of Montserrat or for any department of the Government thereof.

(2) In every such request there shall be specified the time within which the Company shall comply with the same. The Government shall remunerate the Company for so providing, erecting and maintaining such lines, mechanical appliances, telephonic or telex communication and the extent and manner of payment of such remuneration shall in case of difference between the Government and the Company be settled by arbitration.

(3) If the Company fails to comply with any such request, the Governor may cause such lines and appliances to be provided, erected, and maintained, and to be connected with any works of the Company; and for the purposes of this section the Governor shall have and may exercise all the powers vested in the Company under this or any other Act, subject nevertheless to the restrictions and provisions contained in every such Act.

(4) The Company shall permit the Government to place one cross-arm on any or all of its poles free of all rental charges, such cross-arm to be used only for the purpose of carrying wires for any public warning or alarm system or any police signalling system:

Provided that any cross-arm so placed shall be provided, placed, and maintained at the expense of the Government, and any damage caused to the property of the Company or expenses incurred by the Company by the exercise of the powers conferred by this subsection shall be made good and paid to the Company by the Government.

Seizure of Company's works by Government in cases of emergency. Compensation to be allowed in such cases

12. When in the opinion of the Governor an emergency has arisen in which it is expedient for the public service that the Governor should have control over the transmission of messages by the Company's lines, the Governor may, by warrant under his hand, direct and cause the Company's works or any part thereof or any one or more lines to be taken possession of in the name and on behalf of the Governor and to be used for the Government service, and, subject thereto, for such ordinary service as may seem fit, or may direct and authorise such person as he thinks fit to assume the control of the transmission of messages by the Company's lines either wholly or in part and in such manner as such person directs. Any such warrant shall have effect from the issuing thereof and remain in force so long as in the opinion of the Governor such emergency continues and until the warrant is revoked by him. The Accountant General shall pay to the Company as compensation for any loss or profit sustained by the Company by reason of the exercise of the powers contained in this section, out of money to be provided by the Governor and Legislative Council for the purpose, such sum as may be settled between the Governor and the Company by agreement, or, in case of difference, by arbitration.

Maintenance of telephonic or telex communication

13. The Company shall not, except with the consent of the Governor, cease to maintain telephonic or telex communication with any town, or village, or rural area, in respect of which the means of such communication exist or shall at any time be established through the works of the Company.

Offences by Company's servants

14. If any person in the employment of the company—

- (a) wilfully and negligently omits or delays to transmit or deliver any message received at a telephone call office; or
- (b) by any wilful or negligent act or omission prevents or delays the transmission of any such message; or
- (c) improperly divulges to any person the purport of any such message,

he shall, for every such offence, be liable to a penalty of \$50.

Charges for telephonic or telex communication

15. The charges to be made by the Company for providing telephonic or telex communication or service shall be payable in advance, and in the case of telephone rentals, quarterly or monthly in advance at the option of the Company and shall not except with the consent of the Governor be fixed or altered:

Provided that the Governor shall not unreasonably withhold consent to any alteration as may be shown to be necessary to enable the system to operate on an economic basis.

Company to maintain works in efficient manner

16. (1) The Company shall maintain their works in an efficient manner so as to secure prompt telephonic or telex communication amongst subscribers at all times of the day and night, and if there shall be any interruption of such communication, the Company shall, without unnecessary delay, employ all the means within their power to remove the cause of such interruption and to restore such communication.

(2) If the Company shall neglect or refuse to comply with the provisions of this section after notice of such non-compliance specifying the particular cause thereof, and such neglect or refusal shall continue for five days, they shall, for every such default, be liable to a penalty of \$5, and to a further penalty of \$1 for every day after the first day during which such default continues:

Provided that in no case shall any penalty be inflicted in respect of any such default if the Court having cognisance of the case shall be of opinion that such default was caused by inevitable accident, or *force majeure*, or was of so slight and unimportant a character as not materially to affect the value of the service.

Company may suspend lines from poles of Works Department

17. (1) The Company is hereby permitted to attach and suspend lines to and from any poles erected and used by the Works Department for the supply of electricity in such areas as the Minister shall authorise and shall place such lines so as not to interfere in any way with the electricity lines of the said Department and with the approval of the Manager.

(2) The Company shall pay such annual rent to the Works Department for the use of such poles as approved by the Minister.

(3) For the purpose of placing, repairing or replacing any lines of the Company on the poles of the Works Department, the servants or agents of the Company shall have the right to enter upon any lands over which such lines are erected or suspended at any time during the hours of 7am and 5pm of any day:

Provided that the Company shall be liable to pay to the owner or owners of any lands so entered for any damage done to any crops or trees or any property whatsoever in or on such lands.

Connection or disconnection with Company's works; how and when permitted

18. No subscriber, except with the permission in writing of the Company, shall connect or suffer to be connected, directly or indirectly, with any work or works of the Company, any lines, transmitter, receiver, or other instrument, apparatus, or fitting which is not the property of or supplied by the Company; nor shall any subscriber, except in the case of emergency, disconnect or suffer to be disconnected from any line or work of the Company, any line, transmitter, receiver, or other instrument, apparatus, or fitting which is the property of or supplied by the Company, without first having obtained the consent of the Company to such disconnection; and in any case, other than a case of emergency, such connection or disconnection shall be made by or under the supervision of any officer of the Company; and if any subscriber acts in contravention of this section he shall, for each such offence, be liable to a penalty of \$25, and the Company may, in such case, cease to supply telephonic or telex communication to the premises of such subscriber, and the Company may cut and disconnect and remove any line, transmitter, receiver, or fitting which is the property of the Company, from the premises of such subscriber, notwithstanding any agreement or contract then existing or previously existing between the Company and such subscriber, and without prejudice to any other right or remedy for the protection of the Company.

Entry and inspection by Company's servants

19. Any officer appointed by the Company may, between the hours of 7am and 6pm of any day, and on production of his authority, enter any premises to which a line has been supplied by the Company, and may inspect, test, remove, or replace the lines, transmitters, receivers, or other instruments, apparatus, or fittings placed in or upon such premises and belonging to the Company:

Provided that the Company shall repair all damage caused by such entry, inspection, removal, or replacement.

Works, apparatus, etc. not subject to distress, execution, etc.

20. Where any works, lines, transmitters, receivers, or other instruments, apparatus, or fittings belonging to the Company are placed in or upon any premises, not being in possession of the Company, for the purpose of supplying telephonic or telex communication under the provisions of this Act, such works, lines, transmitters, receivers, or other instruments, apparatus, or fittings shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor to be taken in execution under any process of a court of justice or any proceedings in

bankruptcy or insolvency against the person in whose possession the same may be.

Company to give notice of accident. Enquiry into cause of accident

21. (1) The Company shall send to the Minister notice of any accident by explosion or fire, and also of any other accident of such kind as to have caused loss of life or personal injury, which has occurred in any part of the Company's works or lines, or in connection with their works or lines, and also notice of any loss of life or personal injury occasioned by any such accident. The notice shall be sent by the earliest practicable post after the accident occurs, or, as the case may be, after the loss of life or personal injury becomes known to the Company. If the Company fail to comply with the provisions of this section, they shall be liable for each offence to a penalty of \$50.

(2) The Minister may, if he deems it necessary, appoint such person or persons as he thinks fit, to enquire into and report as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with the Company's works or lines, or as to the manner and extent in and to which the provisions of this Act and of any rules and regulations made under this Act, so far as such provisions affect the safety of the public, have been complied with by the Company; and the expenses of such enquiry and report, to such an amount as the Minister by his order certifies to be due, shall be paid by the Company.

Minister may order defective or dangerous work to be remedied

22. If at any time it appears to the Minister—

- (a)* that the Company are maintaining any system and works not specified in this Act nor approved under the provisions of this Act; or
- (b)* that any work of the Company is defective so as not to be in accordance with the provisions of this Act or of the rules and regulations subject to which the Company are for the time being authorised to maintain lines and work under this Act; or
- (c)* that the Company's works or communication thereby are or is attended with danger to the public,

the Minister may by order require the Company to remedy the same so as to comply with such order within such period as may be therein limited in that behalf, and if the Company make default in complying with such order within the time so limited, they shall be liable to a penalty of \$20 for every day during which such default continues:

Provided that when the matter so required to be remedied is, in the opinion of the Minister, dangerous to the public safety, he may, if he thinks fit, by any such order as aforesaid, forbid the use of such lines or works as from such date as may be specified in that behalf until the order is complied

with, and if the Company make use of any such line or work while the use thereof is forbidden, they shall be liable to a penalty of \$25 for every day during which such user continues.

Rules and regulations

23. (1) After first communicating with the Company and taking into consideration any representations made by them the Governor may make rules and regulations respecting the construction and maintenance of the works of the Company for—

- (a) the securing of the safety of the public from personal injury or from fire or otherwise;
- (b) the securing of a regular and efficient telephonic or telex communication;
- (c) the authorising of inspection and inquiry from time to time; and
- (d) the enforcement of the due performance of the duties of the Company under the provisions of this Act.

(2) All such rules and regulations shall be published in the *Gazette*.

(3) Any such rule or regulation may impose penalties for offences against the same, or for the failure or omission to observe or comply with the provisions of the same or any of them, such penalties not to exceed \$25 for each offence, with or without further penalties for continuing offences.

Minister may refer matter to arbitration

24. (1) If, where any matter is in this Act authorised or directed to be determined by the Minister, it appears to the Minister to be expedient, for convenience of local investigation or for any other reason, that the matter should be determined by arbitration, the Minister may, notwithstanding anything herein contained, and whether the Minister has entered on the investigation or not, refer the matter to three competent and impartial persons as arbitrators, and with respect to the matter so referred, any such arbitrators shall have the like authority and jurisdiction as the Minister has under this Act, and their determination shall have the same effect as a determination of the Minister under this Act.

(2) The arbitrators mentioned in the preceding subsection shall be appointed as follows—

- one by the Minister;
- one by the Company; and
- one by the two other arbitrators.

Head Office

25. The Company shall establish and at all times maintain an office in Montserrat.

Sale or transfer of concession

26. Except with the consent of the Governor, the Company shall not sell nor absolutely assign, transfer, or deliver to any body or person the licences, powers, or authorities or any of them conferred upon the Company by this Act or by virtue of the provisions thereof.

Notices, etc., form and authentication of

27. Notices, orders, and other documents under this Act shall be in writing, and, where any notice, order, or document requires the authentication of the Company, the signature thereof by their manager shall be sufficient authentication.

Service of notices, etc.

28. (1) Any notice, order, or document required or authorised to be served upon any body or person under this Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively—

- (a) in the case of the Minister, the office of the Minister;
- (b) in the case of the Director of Public Works, the office of the Director of Public Works;
- (c) in the case of any local or road authority the office of such local or road authority;
- (d) in the case of any company having a registered office, the registered office of such company;
- (e) in the case of a company having an office or offices, but no registered office, the principal office of such company; and
- (f) in the case of any other person, the usual or last known place of abode or office of such person.

(2) Any notice, order, or document by this Act required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of the premises (naming the premises) without further name or description.

(3) Any notice, order, or document by this Act required or authorised to be served on the owner or occupier of any premises may be served by delivering the same or a true copy thereof to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing the notice on some conspicuous part of the premises.

Computation of time

29. Subject to the provisions of this Act as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Act and the execution of any works or the performance of any duty or act is less than seven days, the following days shall not be reckoned in the computation of such time, that is to say, Sunday, Christmas Day, Good Friday, and any public holiday.

Payment of charges – how enforced

30. If any body or person shall fail to pay any charge authorised by this Act or any other sum due from such body or person to the Company in respect of the supply of telephonic or telex service or electric signalling communication to such body or person, the Company may, after giving seven days' notice to that effect, cut off such supply, and for that purpose cut or disconnect and remove any line or other work or mechanical appliance through which such communication may be supplied and may, until such charge or other sum, together with any expenses incurred by the Company in cutting off such supply as aforesaid, is fully paid, discontinue the supply of telephonic or telex communication to such body or person notwithstanding any contract or agreement then or previously existing between the Company and such body or person: and without prejudice to any other right or remedy for the protection of the Company, or for the recovery of such charge by the Company.

Subscriber's liability in giving notice

31. Every subscriber whose telephonic or telex communication is discontinued at his request shall be liable to pay to the Company one month's telephone or telex rental in addition to the rental for the current month, unless he shall have previously given to the Company at least one month's notice of such disconnection.

Injury or obstruction of Company's works

32. Every person who wilfully—

- (a) destroys, removes, or damages anything which forms part of, or is used or employed in or about the working of, any line or for the transmission of messages thereby; or
- (b) prevents or obstructs the sending, transmission, or delivery of any communication by any line,

shall be liable to a penalty of \$100.

Attempt to injure or obstruct

33. Every person who wilfully attempts to commit any such offence as in the last preceding section mentioned shall be liable to a penalty of \$50.

Person found on premises of Company without cause or excuse

34. Any person found at any time on premises of the Company where any telephone exchange is situate not having some reasonable cause or excuse for being thereon shall be guilty of an offence and shall be liable to a penalty of \$100.

Recovery of penalties

35. All penalties payable under this Act or any rule or regulation made in pursuance of this Act may be recovered and enforced in a summary manner; and the procedure in any such case shall be in accordance with the provisions of the Magistrate's Court Act.

Company's liability for accidents, damages, etc.

36. The Company shall be liable for all accidents, damages, and injuries through the act or default of the Company or of any person in their employment by reason of or in consequence of any of the Company's works, and shall save harmless all authorities, bodies, and all other authorities, Companies, and bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Saving power as to street, etc.

37. Nothing in this Act shall take away or affect any power which any body or person may have by this Act to widen, alter, divert, or improve any street or road.

Saving rights of Crown

38. Nothing herein contained shall affect or be deemed to affect the rights of Her Majesty or any body or person except such as are mentioned or referred to in this Act and these claiming from, through, or under them.

Telecommunications Act not to apply to this Act

39. The provisions of the Telecommunications Act shall not apply to this Act.

Exclusive right of the Company. Private service

40. (1) Subject to the provisions of this Act, the Company shall have the exclusive right within Montserrat to acquire, construct, maintain and operate lines and a telephone and telex service for the public use for hire or tolls.

(2) Nothing contained in this Act shall prohibit or prevent any person, firm or corporation from erecting, maintaining, or operating telephone lines or telephonic service on his or its own property and for the

private use or the use of the business or both of such person, firm or corporation.
