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2nd Session Second Parliament Trinidad and Tobago  
16 Elizabeth II

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TRINIDAD AND TOBAGO

**Act No. 7 of 1968**

[L.S.]

AN ACT to provide for the vesting of the telephone system of Trinidad and Tobago in the Trinidad and Tobago Telephone Company Limited and for the future operation and regulation of such system and for powers incidental thereto.

[Assented to 30th May, 1968]

BE IT ENACTED by the Queen's Most Excellent Majesty, <sup>Enactment</sup> by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

## Short title.

1. This Act may be cited as the Trinidad and Tobago Telephone Act, 1968, and shall come into operation on a date to be fixed by proclamation of the Governor-General published in the *Gazette*.

*Preliminary*

## Interpretation

2. (1) In this Act unless the context otherwise requires—

“Chairman” means the Chairman of the Commission or the person for the time being discharging the functions of such Chairman;

“claim” means a claim by the Company for increase in rates payable to it for any of its services or for approval of a rate payable for a new service made to the Commission pursuant to section 18;

“Commission” means the Public Utilities Commission established under the Public Utilities Commission Act, 1966;

“Commissioner” means a member of the Commission and includes an alternate member;

“Company” means the Trinidad and Tobago Telephone Company Limited being a company incorporated under the Companies Ordinance with limited liability and having its registered office in the City of Port-of-Spain and the successors, lessees or assignees of the said Company;

“compensation” includes gain or reward;

“Constitution” means the Constitution of Trinidad and Tobago;

“Government” means the Government of Trinidad and Tobago;

“highway” means a road owned by or under the control of Government or any public authority as well as any public right-of-way, and includes any bridge forming part thereof, and also any land by the side and forming part of such highway;

“land” includes any interest in land and any easement or right to or over land;

“matter” means every claim, objection or proceedings before the Commission;

“message” means any communication transmitted or intended to be transmitted through the telephone system;

- “Minister” means the Minister to whom responsibility for the subject of public utilities is assigned;
- “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, includes the person having actual occupation of the same;
- “post” includes any post, pole, standard, bracket, stay, support, or other contrivance for carrying, suspending, or supporting a telephone line;
- “public authority” means any agency of Government or any municipal or statutory body exercising rights and performing duties for the benefit of the public;
- “public land” includes any land owned or in the occupation of the Government or any public authority;
- “public officer” has the meaning assigned to it in section 105 of the Constitution;
- “rate” means every rate, fare, toll, charge, rental or other compensation or payment whatsoever for services rendered by the Company;
- “rate base” means the total of the Company’s capital accounts including issued capital, retained earnings, all reserves (excluding reserves for depreciation) and all loans;
- “return” means the net earnings of the Company after the deduction of all operating expenses as determined in accordance with the uniform system of accounts as prescribed by the Federal Communications Commission of the United States for telephone utilities including depreciation at a composite rate of 6 per cent. per annum on a straight line basis and all rates and taxes and other impositions of whatsoever nature (but not the withholding tax on dividends) and all payments made to any associated Company performing advisory, managerial or administrative functions for the Company but excluding interest on loans;

- “services” includes the accommodation afforded subscribers and users of the telephone system and the use and accommodation afforded the public by the facilities employed by or in connection with any services performed by the Company; but does not include any commodity, by-product or article produced or manufactured by the Company or any associate thereof that is offered for sale to the public at retail or wholesale prices;
- “subscriber” means any person who shall enter into an agreement or contract with the Company for being provided with telephonic service, or telephonic, electric, electronic or radio signalling communication, or for the hire or use of any telephone or telephone lines, or appliances connected therewith;
- “telephone line” includes wires, poles, posts, cables, co-axial cables, insulators, pipes, conduits and coverings, radio and video facilities, plant, machinery and appliances or other apparatus or thing connected therewith for the purpose of supplying telephone service;
- “telephone service” includes building, extending, maintaining and operating a system and the utilisation of the same for the purpose of communicating, whether by means of sound, signals, reproduction, written message, pulses, waves or otherwise;
- “telephone system” includes the buildings, installations, exchanges, telephone lines, plant machinery, appliances, radio and video facilities, apparatus for electronic or light waves or any other device or thing whether similar to the foregoing or not required or used for the purpose of telephone service and anything incidental thereto;
- “tree” means any tree, wood, bamboo, underwood or other produce of the soil whether cultivated or not;
- “undertaking” means the telephone system of the Government that is carried on by the Government under the authority of the Telephone

System Acquisition Ordinance or otherwise and Act No. 39 of 1960  
includes—

- (a) the works;
- (b) all interests, rights and easements in or appertaining to the telephone system;
- (c) the benefits and burdens of any contracts and of any leases or tenancy agreements in force immediately before the coming into operation of this Act and that appertain to the undertaking;
- (d) the right to recover and receive any moneys that immediately before the coming into operation of this Act were due to the Government in respect of and for the account of the telephone system of the Government or that would after that date have become due to Government if this Act had not been enacted;

“village” means any community consisting of not less than twenty-five inhabited houses;

“works” includes any work which the Company has authority to execute or maintain under this Act or under any other enactment and includes all matters or things, of whatever description, required or used to maintain or supply telephone service and to carry into effect the objects of the Company under this Act.

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

## PART I

### VESTING OF PROPERTY AND RIGHTS

3. The undertaking is hereby transferred to and vested in the Company in absolute ownership. Vesting of Undertaking in Company.

4. (1) Subject to the provisions of this Act the Company shall have the exclusive right to operate a telephone system and a telephone service for the public use, and for hire or tolls. Exclusive right to operate telephone system

(2) Nothing contained in this Act shall prohibit or prevent any person, firm or corporation, from erecting, maintaining or operating telephone lines or a telephone service entirely on his or its own property and for the private use or the use of the business, or both, of any such person, firm or corporation.

Company may execute works.

5. Without prejudice to any other powers vested in it, the Company may, from time to time with the consent of the Minister and subject to such conditions as he may reasonably specify—

- (a) place and maintain a telephone line over, under or along any highway or public land and for such purpose, open or break-up such highway or land, and alter the position thereunder of any pipe, wire, cable or conduit, for the supply of water or electricity; and
- (b) temporarily block off or close any such highway or part thereof for the purpose of laying or maintaining any telephone line.

Authority to cut trees.

6. (1) In the course of constructing or maintaining any works of the Company, the Company may, by its officers or agents duly authorised in writing, cut or remove from any street, highway or land, any tree or branch or other parts of a tree, tending to interfere with, endanger, or otherwise prejudicially affect such works, but no person shall for this purpose, except with the consent of the owner or occupier enter any land until after the expiration of seven days and in case of emergency, three days from the day on which notice of such entry shall have been given to the owner or occupier of such land or affixed conspicuously thereon.

(2) Where any tree or part of a tree so cut or removed was not growing on or projecting over any street or highway, the Company shall make adequate compensation for the loss, if any, occasioned by such cutting or removing.

Telecommunications and wireless

7. Nothing in this Act—

- (a) exempts the Company from complying with the provisions of any enactment whether passed before or after the coming into operation of this Act, giving effect to or arising out of any international agreement regarding telecommunications;

- (b) permits the Company to operate or maintain any system of wireless telegraphy or wireless telephony except by a licence issued in accordance with any enactment relating thereto.

## PART II

### THE TELEPHONE SYSTEM

8. The Company shall construct, maintain and operate their works in a safe and efficient manner so as to secure prompt and satisfactory telephonic 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.

Company to maintain telephone system and works in efficient manner.

9. The Company shall not, except with the consent of the Minister, cease to maintain telephonic 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.

Company to maintain communication with towns.

10. The Company shall establish in every town or village in which they shall construct or maintain a telephone line (except a line maintained at the request of the Minister under this Act) at least one public coin telephone which shall be open at all times for the reception, transmission and delivery of the messages of all persons alike, without favour or preference on payment of the authorised charges.

Public telephones

## PART III

### RATES AND CHARGES

11. The rates set out in the Telephone Service Charges Regulations, 1966, shall be the authorised rates unless altered as provided by this Act.

Rates.

12. (1) Subject to the provisions of this Part, the Company may not, directly or indirectly, demand or receive a greater rate for any service rendered, than the authorised rates referred to in section 11 or the rates agreed upon in agreement filed or registered pursuant to section 22 as the

Adherence to tariffs.

case may be, except as is otherwise authorised by subsection (4) of section 18, or determined by the Commission upon any matter brought before it under Part IV.

(2) Where—

- (a) an amount is paid in excess of the rate properly exigible in accordance with subsection (1); or
- (b) any money is paid in pursuance of a provisional or interim order or award or for temporary rates under section 17,

such sums and any such money which would not be payable upon the final order or award or the final determination in the case of temporary rates, shall be repaid or made good; and any payment made shall, so far as it is not or would not have been authorised pursuant to subsection (1) or under the final order or award or other determination as to temporary rates, be deemed to be an unauthorised payment.

(3) Nothing in this section or in section 11 shall apply or be deemed to apply to rates specially agreed upon between the Company and a subscriber for the supply of services or facilities designed to meet the specialised requirements of such subscriber and contained in an agreement registered in accordance with section 22 or to rates specially agreed between the Government and a person supplied with services of the Government prior to the commencement of the Act.

## PART IV

### ESTABLISHMENT OF TRIBUNAL

Commission established  
a tribunal.

13. (1) For the purposes of this Act the Commission is hereby established a tribunal which shall have and exercise jurisdiction—

- (a) to hear and determine claims by the Company for an increase of the rates payable for any of its services;
- (b) to hear and determine complaints of any subscriber under subsection (2) of section 18;
- (c) to hear and determine objections to agreements under section 22; and
- (d) of its own motion or at the instance of the Minister to review and determine the rate structure and level of rates payable for the services provided by the Company.

(2) The tribunal established under subsection (1) shall comprise the Chairman and two other Commissioners nominated for the purpose by the Chairman.

(3) If the Chairman withdraws from any proceedings on a matter before the tribunal on account of interest, illness or otherwise or dies, the Governor-General may appoint another Commissioner to be Chairman for the purpose of the particular proceedings.

(4) Where a Commissioner other than the Chairman withdraws from any proceedings on a matter before the tribunal on account of interest, illness, or otherwise or dies, the tribunal shall not be disqualified for the transaction of business by reason of such vacancy among its members save that in the case of an equality of votes the Chairman shall have a casting vote.

14. (1) The Commission shall expeditiously hear and inquire into and investigate every matter which is before it and in particular shall hear, receive and consider statements, arguments, and evidence made, presented or tendered—

Hearing of matters  
before Commission.

- (a) by or on behalf of any subscriber;
- (b) by or on behalf of the Company; and
- (c) on behalf of the Minister.

(2) The Commission shall determine the periods that are reasonably necessary for the fair and adequate presentation of the matter by the respective parties thereto, and the Commission may require those matters to be presented within the respective periods so determined.

(3) The Commission may require evidence or arguments to be presented in writing and may decide the matters upon which it will hear oral evidence or arguments.

(4) All matters brought before the Commission shall be determined by a majority of the members thereof.

(5) Subject to subsection (6) no award or other determination of the Commission in any matter brought before it under this Part—

- (a) shall be challenged, appealed against, reviewed, quashed or called in question in any court on any account whatever;
- (b) shall be subject to prohibition, mandamus or injunction in any Court on any account whatever.

(6) Any party to a matter brought before the Commission shall be entitled as of right to appeal to the Court of Appeal on a point of law from any judgment, order or award of the Commission. The decision of the Court of Appeal on any matter brought before it under this subsection shall be final.

Appearance.

15. Every party to a matter shall be entitled to appear at the hearing thereon and may be represented by Counsel or Solicitor or any other person who in the opinion of the Commission is competent to assist such person in the presentation of the matter.

Formula for fixing rates.

16. (1) The rate to be charged by the Company shall be fixed by the Commission so as to enable the Company to earn a return of not less than 7 per cent. per annum nor more than  $8\frac{1}{2}$  per cent. per annum of the rate base, so, however, that the return shall not in any event be less than  $2\frac{1}{4}$  times the annual interest payable by the Company on loans from time to time outstanding.

(2) If in any fiscal year the return is less than 7 per cent. of the rate base or  $2\frac{1}{4}$  times the annual interest payable by the Company in that year on outstanding loans, the Company may apply to the Commission for an Order revising the rates so as to produce a return in accordance with subsection (1).

(3) If in any fiscal year the return exceeds  $8\frac{1}{2}$  per cent. as well as  $2\frac{1}{4}$  times the annual interest payable by the Company in that year on outstanding loans, the Commission may exercise its jurisdiction under paragraph (d) of subsection (1) of section 13.

(4) Any judgment, order, award or other determination of the Commission shall be based on the accounts of the Company for the preceding fiscal year of the Company taking into account such facts affecting the return of the Company for the ensuing year as shall be proved before the Commission.

Awards.

17. (1) An award on any matter brought before the Commission may be made retrospective to such date not being earlier than six months before the date on which the matter was brought before the Commission.

(2) In addition to the powers conferred on the Commission by the preceding provisions of this Part, the Commission may, in relation to any matter brought before it—

- (a) make a provisional or interim order or award relating to the matter or part thereof, or give a direction in pursuance of the hearing or determination;
- (b) dismiss any matter or part of a matter or refrain from further hearing or from determining the matter or part thereof if it appears that the matter or part thereof is trivial or vexatious or that further proceedings are not necessary or desirable in the public interest;
- (c) order any party to pay to another such costs and expenses, including expenses of witnesses, as are specified in the order;
- (d) generally give all such directions and do all such things as are necessary or expedient for the expeditious and just hearing and determination of the matter.

18. (1) Where the Company desires to make a claim for an increase in rates payable to it for any of its services, or for approval of a rate payable for a new service, it shall, not later than twenty-eight days before making any such claim to the Commission, cause to be published by means of advertisements in the *Gazette* and in any other newspaper circulating in Trinidad and Tobago a notice of its intention to make the claim. Making of Claim

(2) A notice required by subsection (1) shall state the particulars of such claim and also that any person who desires to object to an award or other determination allowing such claim may, before such date not earlier than twenty-one days after the publication of the advertisement as may be specified therein, make an objection against such claim for an award or determination.

(3) Upon the expiration of the period required for the publication of the notice under subsection (1) the Company may make a claim in the prescribed form for an award or other determination allowing such changes in the rates then in force and fixing the time when the changed rates are to take effect, as is specified in the claim.

(4) If on the expiration of six months from the date on which the matter was brought before the Commission,

the Commission has failed to hear and determine any claim by the Company under subsection (1), the Company may charge the increase in rates or the rate for a new service as claimed and any award made by the Commission in respect of such claim shall contain such directions as may be necessary for the adjustment of any payments made by subscribers to the Company.

Service of claims and complaints.

19. Upon the making of a claim or upon any other proceedings for the hearing and determination of any matters concerning which the Commission has jurisdiction under section 13, the Commission shall cause a copy thereof to be served upon every objector and such persons as it considers interested in the matter or cause, of the claim or proceeding, accompanied by a notice to satisfy the claim or proceeding or to answer the same in writing or otherwise within such time as may be specified by the Commission in such notice.

Proceedings open to public

20. The proceedings of the Commission shall be open to the public and minutes thereof, including a summary of the evidence given and a statement of all facts taken into consideration, shall be kept by the direction of the Chairman.

Burden of proof.

21. In any proceeding upon the motion of the Commission involving any proposed or existing rate of the Company, or in any matter upon a claim involving any proposed increase in rates, the burden of proof shall be upon the Company.

Registration of agreements.

22. (1) Every agreement made after the commencement of this Act by the Company with any subscriber for the supply of services or facilities designed to meet specialised requirements of such subscribers shall be registered with the Commission.

(2) Any person aggrieved by the terms and conditions or other effect of any agreement submitted for registration with the Commission under this section may, by notice in writing to the Commission and to the parties concerned, object thereto; and such notice of objection shall be treated as a complaint in accordance with the provisions of this Act.

Ratification of certain agreements.

23. Where an agreement for the supply of services is submitted to the Commission for registration in accordance with section 22, in every case in which objection is made to the registration of any agreement referred to in the said

section 22 or in which the Commission on its own motion or at the instance of the Minister determines to hold an inquiry thereon, the Commission shall hear and determine the rate payable and ratify or otherwise determine the terms and conditions applicable to the provision of the services by the Company and in particular the Commission may—

- (a) ratify the agreement without amendment or modification; or
- (b) ratify the agreement with such amendments and modifications it may consider necessary or proper; or
- (c) refuse to ratify such agreement.

24. An agreement referred to in subsection (1) of section 22 shall have effect only to the extent that it is ratified by the Commission in accordance with this Part and every agreement so ratified and registered in accordance with this Part shall, during its continuance, be binding on all parties thereto.

Validity of agreements.

25. The Secretary or Manager of the Company shall, on being directed by the Commission so to do—

Duty of Manager, Secretary to furnish reports, information &c.

- (a) furnish to the Commission in such form and detail as the Commission may require, all tabulations, computations and all other information required by it to carry into effect any of the provisions of this Act, and shall make specific answers to all questions submitted by the Commission;
- (b) whenever required by the Commission, deliver to the Commission copies of any or all maps, contracts, agreements, franchises, reports, books, accounts, paper and records in its possession or in any way relating to its property or affecting its business and also a complete inventory of all its property in such forms as the Commission may direct;
- (c) furnish its annual accounts to the Commission within six months after the close of each financial year in such form as the Commission may require and if no objection is made by the Commission within three months thereafter, the said accounts shall be deemed for all purposes of this Act to be accurate and conclusive.

Inspection of books,  
accounts &c.

26. A Commissioner or any officer or other person authorised by the Commission may at any time inspect the accounts, books, papers and documents of the Company.

Annual report.

27. The Commission shall make an annual report of its proceedings under this Part to the Minister which shall be laid before Parliament.

Appointment of  
officers.

28. The Commission may appoint on such terms and conditions as the Minister may approve, officers and employees as it may consider necessary for the due and efficient exercise and performance of its functions, powers and duties under this Part.

Regulations.

29. (1) Subject to the provisions of section 16, the Commission may, with the approval of the Minister, make regulations for the purpose of carrying this Part into effect and in particular—

- (a) for regulating the procedure upon the making, hearing and enforcement of awards and other determinations of the Commission;
- (b) setting out the principles on which rates chargeable by the Company should be based;
- (c) for prescribing any matter or thing that is required by this Part to be prescribed.

(2) Regulations made under this Part may contain provisions for imposing on any person contravening the regulations, a fine, recoverable on summary conviction, of two hundred and fifty dollars in respect of each offence and in the case of a continuing offence, a further fine of twenty-five dollars for each day during which the offence continues after conviction therefor.

Commissioner not  
disqualified by  
liability to rates.

30. A Commissioner shall not be disqualified from acting in any matter arising under this Act by reason only of his being one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by any rate or fund out of which any expenses of the Company are to be defrayed.

Evidence of  
documents.

31. A copy of any regulation, order or award or other document made by or in the custody of the Commission, certified by the Secretary of the Commission, to be a true copy thereof, shall in any court be evidence of the regulation, order, award or other document without proof of the signature of the Secretary.

## PART V

## TELEPHONE LINES FOR THE GOVERNMENT DEPARTMENTS

32. (1) The Minister may, by order, require the Company to provide, erect, and maintain such telephone lines and mechanical appliances as may be necessary for securing any special telephonic communication or separate telephonic inter-communication for the public service or for any department of the Government thereof.

Company to maintain telephonic communication for public service.

(2) In every such order there shall be specified the time within which the Company shall comply with the same, such specified period not to be less than three months from the date of the service of the order, unless in the opinion of the Minister it is a matter of urgent necessity for the purpose of the Government that such communication be established sooner. The Government shall remunerate the Company for so providing, erecting and maintaining such telephone lines, mechanical appliances and telephonic communication, and the extent and manner of payment of such remuneration shall in case of difference between the Minister and the Company be settled by arbitration.

(3) If the Company fails to comply with any such order, the Minister 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 Minister 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 Minister to place one cross-arm on any or all of its poles in the City of Port-of-Spain and in the Borough of San Fernando free of all rental charges such cross-arm to be used only for the purpose of carrying wires charges for a fire-alarm or Police signalling system or both:

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 expense, cost, damage or claim incurred by the Company by the exercise by the Minister of the powers conferred by this subsection shall be made good and paid to the Company by the Government.

Transmission of messages for purposes of public service.

33. The Minister, or any other public officer designated by order of the Minister, shall have power to demand the immediate transmission of any message urgently required to be delivered for the purposes of the public service; and, upon such request, the Company shall cause such message to be transmitted as soon as reasonably may be, and shall, if necessary, suspend the transmission of all other messages until such message shall have been transmitted.

## PART VI

### MISCELLANEOUS PROVISIONS

Company not to assign powers, &c.

34. The Company shall not sell or assign, transfer or deliver to any person any licence, power or authority conferred upon it by this Act.

Service of documents to owners and occupiers of premises.

35. (1) 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.

(2) 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.

Powers of entry.

36. Employees and agents authorised in writing by the Company may, on production of their authority enter the subscribers premises at any reasonable hour to make collections from coin boxes, to instal, inspect, repair or replace any part of the equipment, instruments and lines and upon termination or cancellation of the service to recover such equipment, instrument and lines.

No attachments to facilities furnished by Company.

37. Only equipment, apparatus, circuit or device furnished by the Company shall be attached to or connected with the facilities furnished whether physically, by induction, acoustically or otherwise unless authorised to the contrary by the Company.

## 38. Where a subscriber—

Powers of Company  
in relation to  
subscriber.

- (a) abandons the telephone service supplied to him;  
or
- (b) fails, neglects or refuses on demand to pay any sums due for rates, charges, installations or any other services; or
- (c) uses the telephone service supplied to him in such a way as to impair or interfere with the service to other subscribers; or
- (d) uses or knowingly permits to be used profane, obscene or abusive language over the telephone facilities or after reasonable notice, fails, neglects or refuses to prevent the use of such language over the subscriber's telephone by others; or
- (e) makes or knowingly permits to be made calls which are calculated or likely to cause annoyance to another subscriber, his family or his domestic staff or business employees; or
- (f) damages, or misuses any of the equipment, apparatus circuits or devices furnished by the Company; or
- (g) fails to observe any obligations or conditions contained in a subscriber's contract or for the furnishing of telephone service,

the Company may direct that the telephone services supplied to such subscriber be suspended and may, if the reason for the suspension is not corrected within a reasonable period, cause such service to be disconnected permanently and may make such arrangements as it may consider necessary for the removal of equipment, instrument and lines from the premises of the subscriber.

## 39. The Company may re-assign or redistribute telephone call numbers or a series of telephone call numbers to any subscriber or subscribers—

Telephone call  
numbers.

- (a) where the subscriber or subscribers so request,
- (b) where in its opinion the retention of a particular call number would embarrass or cause unusual inconvenience to the subscriber or subscribers;
- (c) where it is satisfied that it is expedient so to do;
- (d) where it is requested so to do by the Minister.

## PART VII

## PENALTIES AND OFFENCES

Penalty for  
obstruction, &c.

40. Every person who wilfully prevents or obstructs the sending, transmission, or delivery of any communication by the telephone system shall be liable to a penalty of five hundred dollars.

Attempts to  
obstruct, &c.

41. Every person who wilfully attempts to commit any such offence as is mentioned in section 40 shall be liable to a penalty of one hundred dollars.

False information  
to Commission.

42. Every person who wilfully makes any return or furnishes any information to the Commission which is false in any particular is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

Failure to  
furnish returns  
to Commission.

43. Every person who, being required by the Commission so to do, fails to prepare and furnish to the Commission within the time and in the manner and form and with such particulars and certifications as are required by this Act—

- (a) any return of information required in the forms of returns furnished to the Commission; or
- (b) any answer to any question submitted by the Commission; or any information required by the Commission which is in his possession or control,

is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

Obstruction in the  
execution of duties.

44. A person who wilfully obstructs any person acting in the execution of his duties under this Act or under any regulation, order or award, made or issued thereunder is guilty of an offence and liable on summary conviction to a fine of one hundred dollars.

Penalties.

45. Where no other penalty has been prescribed for any contravention of or neglect to comply with the provisions of this Act (other than the payment of money), any such contravention and neglect, shall subject the offender to a penalty of one hundred dollars:

Provided that no person having any claim against the Company under this Act shall in any way be prejudiced in enforcing the same by the fact that any penalty or penalties has or have been recovered against the Company in respect of the same act or omission or default out of which the claim aforesaid arises.

## PART VIII

## ACQUISITION OF UNDERTAKING

46. (1) The Government shall not compulsorily acquire <sup>Acquisition</sup> any shares of the Company.

(2) The Government shall not compulsorily acquire assets of the Company before the 31st December, 1982.

(3) On the compulsory acquisition of assets of the Company after that date the Government shall pay in cash the value of the assets determined as follows:—

(a) an amount equal to the aggregate of the rate base and the current assets as recorded in the books of the Company; and

(b) an amount equal to any sum reasonably required to reimburse the Company and its shareholders the cost incurred in winding up the Company.

(4) On any compulsory acquisition of the assets of the Company, the Company shall discharge all its liabilities.

## PART IX

## TRANSITIONAL PROVISIONS

47. Any person who at the coming into operation of <sup>Subscribers.</sup> this Act was supplied with services by the telephone system shall be deemed to be a subscriber for the purposes of this Act and to have been a subscriber as from that date and shall be bound as from that date by the Company's standard form of contract with subscribers, until such contract with the Company shall be terminated in accordance therewith:

Provided that in the case of special contractual arrangements in force on the date of the coming into operation of this Act for the provision of services such special contractual arrangements shall continue in force as between such body or person and the Company until terminated in accordance with the terms of the contract providing such special arrangements.

Repeal.  
Ord. 39 of  
1960

48. The Telephone System Acquisition Ordinance, 1960, is hereby repealed.

Passed in the House of Representatives this 22nd day of March, 1968.

G. R. LATOUR

*Clerk of the House of Representatives*

Passed in the Senate this 12th day of March, 1968.

J. E. CARTER

*Clerk of the Senate*