

## TRINIDAD AND TOBAGO.

No. 17.—1909.

*29th March.*

AN ORDINANCE to provide for the maintenance, operation, extension and improvement of the Telephone System of the Island of Trinidad.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

*20th July, 1909.*

WHEREAS the Commercial Telephone Company, Limited, registered under the Companies Ordinance and having its registered office in the Town of Port-of-Spain, owns and works a telephone system in the Island of Trinidad under the powers and authorities conferred upon the said Company by the Commercial Telephone Company (Limited) Ordinance No. 247 ;

And Whereas it is necessary to further extend the said telephone system throughout the Island of Trinidad, and to enlarge and improve the service thereunder, and to secure further and additional capital therefor ;

And Whereas the Trinidad Consolidated Telephones, Limited, a body corporate, is willing to purchase the undertaking of the said Commercial Telephone Company Limited

and to furnish the said additional capital, upon condition that the powers, authorities and privileges in this Ordinance contained should be granted to the Trinidad Consolidated Telephones, Limited;

And Whereas it is expedient that such powers, authorities and privileges should be granted: Be it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Trinidad Consolidated Telephones (Limited) Ordinance, 1909. Short title.

2. In this Ordinance and in any rule and regulation made under the provisions thereof, unless the context otherwise requires:— Interpretation.

“The Company” means and includes the Trinidad Consolidated Telephones Limited, being a Company incorporated under the Companies Ordinance (No. 69) with limited liability, and having its registered office in the Town of Port-of-Spain, and the successors, lessees or assigns of the said Company.

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

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

“Post” means and includes any post, pole, standard, bracket, stay, support or other above ground contrivance for carrying, suspending or supporting a telephone line.

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

"Street" means a public way situate within the town of Port-of-Spain or any other 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, including foot-paths of such way and any bridge forming part thereof.

"Road" means a public highway for carriages 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.

"Canal" includes navigable rivers and any dock, basin, towing-path, wharf, work or building connected with a canal.

"Railway" includes any station, work, building or land connected with a railway.

"Land" means land not being a street or road, and not being land by the side and forming part of a road, and includes land laid out for and proposed by the owner to be converted into a street or road.

"Road Authority" as regards any street or road in, upon, over, under or across which any work is placed or maintained or proposed to be placed or maintained, means the body or person having the management and control of such street or road.

"Water Authority" means the body or person having the management and control of the water supply.

"Body" includes the Colonial Government, a municipal corporation, local road board, board, company, or

society, whether incorporated or not; and any provision referring to a body applies to a person, as the case may require.

“Person” includes corporation aggregate or sole.

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

“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.

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

“Message” means any communication transmitted or intended to be transmitted by a telephone line.

“Prescribed” means prescribed by this Ordinance or by any rule or regulation made under the provisions thereof.

“Governor in Council” means Governor in Executive Council.

“Telephone Service” means and includes building, maintaining and operating a telephone system and the utilization 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.

Expressions referring to the construction or maintenance of a telephone line along any street, road, land or building, mean the placing or maintaining of a telephone 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 new  
works and  
maintain exist-  
ing systems.

3. Subject to the restrictions and provisions hereinafter contained, the company shall have the right to execute works as follows :—

- (1.) They may from time to time place and maintain a telephone line over under or along any street or road and may alter, replace or remove the same.
- (2.) 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 pipe (not being a main) for the supply of water.
- (3.) They may from time to time place and maintain a telephone line over under or along any land or building, or canal, or any estuary or branch of the sea, or the shore or bed of any tidal river, 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 also that the company may maintain and work the telephone system established as aforesaid and all other telephone systems absolutely acquired by the company from the date of the commencement of this Ordinance, and thereafter during the continuance of this Ordinance, by and with the permission of the Governor in Council, and that such telephone systems shall be subject to the restrictions and provisions of this Ordinance so far as the same are applicable to them.

Depth, course,  
&c., of under-  
ground line,  
how settled.

4. Where by virtue of the powers of the company under this Ordinance, they intend to proceed with the placing of a telephone 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 road authority ; but if such settlement is not come to with the road authority the following provisions shall take effect :—

- (1.) The company shall give the road authority notice specifying the depth, course and position which the company desires.
- (2.) If the road authority does not within fourteen 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 road authority desires, they shall be deemed to have agreed to the proposal of the company.
- (3.) In the event of ultimate difference between the company and the road authority, the depth, course and position shall be determined by the Governor in Council.

5. In case the road authority or any body or person shall resolve to widen, alter, divert or improve any street, road, railway, tramway or canal under or along which any work of the company is placed, the company shall be bound on receiving one month's notice of such intended alteration at their own expense to remove such work and to replace the same in such position and manner in all respects as may be required by the road authority or by any such body or person : Provided that in the event of any difference between the road authority or such body or person and the company as to the practicability of such removal or replacement, the company shall be bound to act in the premises in all respects as may be determined by the Governor in Council.

Alteration of  
company's  
works in  
certain cases.

6. Where the company has before the passing of this Ordinance placed posts in or upon a street or road and the road authority considers the position of any such post to be dangerous or inconvenient, the following provisions shall have effect :—

Alteration or  
removal of  
posts in  
certain cases.

- (1.) The road authority 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.

- (2.) 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 road authority a counter notice, specifying their objection to such removal or alteration.
- (3.) The difference between the company and the road authority shall be settled by the Governor in Council, 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 or subject to any such modifications as the Governor in Council prescribes or on condition that the road authority shall afford to the company all reasonable and proper facilities in their power for substituting some other work for that to which the notice relates, or any such other condition as the Governor in Council seems just and expedient, and the expenses incurred in respect of such removal or alteration shall be borne and paid by the company.

*Restrictions as to the Opening of Streets and Roads.*

Conditions  
and restric-  
tions as to  
opening or  
breaking up of  
street or road.

7. Subject to any special stipulations between the company and the road authority and to any determinations, orders or directions of the Governor in Council as aforesaid, where the company proceeds to open or break up a street or road, the following provisions shall have effect :—

- (1.) The company shall give to the road authority notice of their intention to break up such street or road, specifying the time at which they will begin to do so—such notice to be given, in the case of underground work, ten days at least, and, in the case of above ground 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.

- (2.) 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.
- (3.) They shall in the meantime cause the place where the roadway is opened or broken up to be protected and properly lighted by night.
- (4.) 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 carriages to pass each other, they shall not occupy with their works at one time more than fifty yards in length of the one-third thereof, except with the special consent of the road authority.
- (5.) 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 Ordinance, make full compensation to the road authority for any loss or damage which may be incurred by reason thereof, and, in addition thereto they shall be liable to a penalty not exceeding one pound for every such default; and in case of a continuing offence, to a further penalty not exceeding five shillings 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 a cognizance 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 road authority, etc.

8. The road authority or any body or person entitled to work any railway or tramway which the company may be empowered to break up for the purposes of this Ordinance may, if they think fit, from time to time serve a notice upon the Company, stating that they desire 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 road authority or any railway or tramway as aforesaid, and from time to time amend or revoke any such notice by any other notice similarly served. Where the road authority or any such body or person as aforesaid (in this section referred to as "the givers of the notice") have or has given notice that they or he desire or desires to exercise or discharge any such specified powers and duties of the Company, then so long as such notice remains in force, the following provisions shall have effect, unless otherwise agreed between the parties interested:—

- (1.) The Company shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except where they have as hereinafter provided required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition, or except in cases of emergency.
- (2.) In addition to any other notices which they may be required to give under the provisions of this Ordinance, the Company shall, not less than two days and not more than four 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 givers of the notice 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.

- (3.) Upon receipt of any such requisition as last aforesaid, the givers of the notice 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.
- (4.) If the givers of the notice decline, or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced, neglect to comply with such requisition, the company may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had been given to them by the givers of the notice.
- (5.) In case of emergency the company may themselves proceed to at once exercise or discharge so much of any specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises, without serving any requisition on the givers of the notice; but in such case the company shall within twenty-four hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice.
- (6.) If the company exercises or discharges any such specified powers or duties as aforesaid, otherwise than in accordance with the provisions of this section, they shall be liable to a penalty not exceeding one pound for every such offence, and

in the case of a continuing offence, to a further penalty not exceeding five shillings for every day after the first day during which such offence continues: Provided that the company shall not be subject to any such penalties as aforesaid if the Court having cognizance 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.

- (7.) All expenses properly incurred by the givers of the notice in complying with any requisition of the company under this section shall be repaid to them by the company and may be recovered summarily before a Stipendiary Justice of the Peace, who shall have power to determine the amount thereof.
- (8.) The givers of the notice may from time to time, if they think fit, require the company to give them such security for the payment to them of any expenses incurred or to be incurred by them 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 Governor in Council. If the company fails 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 Governor in Council, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them 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 Ordinance in relation to the execution of any work beyond the actual

breaking up, filling in, reinstating or making good any such street or road or railway or tramway as in this section mentioned.

9.—(1.) The company shall not place any work by the side of any land 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. Works on land or building; conditions of placing.

(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 places a telephone 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 has by virtue of the authority so conferred placed a telephone 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 telephone 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 telephone line, as hereinbefore provided, within fourteen days after receiving a certificate signed by an Electric Inspector certifying that he is satisfied that such owner intends to improve such land or building.

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 from any street road or land any tree or branch or other parts of a tree growing within fifty feet from any such work and tending to interfere with, endanger or otherwise prejudicially affect such work; but no person shall, for this purpose, except with the consent of the occupier, enter any land until after the expiration of seven days, and in case of Cutting or removal of trees and branches.

emergency, three days from the day on which notice of such entry shall have been given to the occupier of such land or posted 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 road, the company shall make full compensation (to be determined in case of difference by arbitration) for the loss, if any, occasioned by such cutting or removing.

*For the Benefit of the Government.*

Separate  
telephone  
service for  
Government.

11.—(1.) The Governor in Council may by order from time to time require the company to erect, maintain and provide such telephone lines and mechanical appliances as may be necessary for securing separate telephonic inter-communication for the public service of the Colony or for any department of the Government thereof.

(2.) In every such order there shall be specified the time within which the company shall comply with the same, and the manner and extent of the remuneration which shall be paid to the company for so erecting, maintaining and providing such telephone lines mechanical appliances and telephonic inter-communication; provided that such specified period shall in no case be less than six months from the date of the service of such order, and such remuneration shall in case of difference between the Governor in Council and the Company be settled by arbitration.

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

Governor, etc.,  
to have  
priority of use  
of line in cases  
of emergency.

12. The Governor, the Colonial Secretary, the Inspector-General of Constabulary, the Director of Public Works, the Postmaster-General or any other head of a department of the

public service of the Colony for whom the same power shall have been previously claimed by order of the Governor in Council, shall have power, from time to time, to demand the immediate transmission of any message urgently required to be delivered for the purposes of such public service; and upon such request the company shall cause such public message to be transmitted as soon as reasonably may be, and shall, if necessary, suspend the transmission of all other messages until such public message shall have been transmitted.

13. When in the opinion of the Governor an emergency has arisen in which it is expedient for the public service that the Governor in Council should have control over the transmission of messages by the company's telephone lines, the Governor may, by warrant under his hand, direct and cause the company's works or any part thereof to be taken possession of in the name and on the behalf of the Governor and to be used for the Government service and subject thereto, for such ordinary service as may seem fit; or direct and authorize such person as he thinks fit to assume the control of the transmission of messages by the company's telephone lines either wholly or in part and in such manner as such person directs. Any such warrant shall not have effect for a longer time than one week from the issuing thereof, but the Governor may issue successive warrants from week to week so long as in his opinion such emergency continues.

Seizure of  
Company's  
works by  
Government in  
cases of  
emergency.

The Receiver-General shall pay to the company as compensation for any loss of 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 in Council and the company by agreement, or, in case of difference, by arbitration.

*Extension of Telephonic Communication.*

14. The company shall not, except with the consent of the Governor in Council, cease to maintain telephonic communication with any town or village in respect of which the means of such communication exist, whether through the

Maintenance  
of telephonic  
communica-  
tion.

works of the company or through any telephone works which may be absolutely acquired by the company within six months from the date of the passing of this Ordinance.

Governor in Council may on petition require extension of telephone system.

15. Upon the petition of not less than one hundred residents of any town or village, and after communicating with and taking into consideration any representations made by the company, the Governor in Council may if satisfied that such extension will yield a reasonable profit to the company on the capital expended thereon, by order require the company to extend within a period to be specified in such order their telephone system to such town or village so as to provide telephonic communication therewith. In the event of the company making default in complying with such order within the term specified in the order (such term to be not less than one year in any case) they shall be liable to a penalty not exceeding One Pound in respect of every such default for each day during which such default continues, and the Government may make such extension and cause it to be connected with the lines of the company on such terms as may be agreed upon, and the company's exclusive rights in respect to any line so built shall cease and determine, except that in the event of the company purchasing such line from the Government its exclusive rights in respect of such lines so purchased shall again apply.

Establishment of call offices.

16. 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 Governor under this Ordinance, at least one telephone call office, which shall be opened at all reasonable times for the reception, transmission and delivery of the messages of all persons alike, without favour or preference, on payment of the usual and regular charges.

Offences by Company's employees.

17. 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,
- (b.) or by any wilful or negligent act or omission prevents or delays the transmission of any such message,

(c.) or improperly divulges to any person the purport of any such message,

he shall for every such offence be liable to a penalty not exceeding Ten Pounds.

*For the benefit of Subscribers.*

18. The charges to be made by the company for providing telephonic 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 approval of the Governor and Legislative Council, exceed those in that behalf specified in the Schedule to this Ordinance. Provided that the company may receive any special remuneration agreed upon between the company and any subscriber in respect of telephonic communication or service with any building or other place situate without the limits of the Town of Port-of-Spain (as defined by the Port-of-Spain Ordinance No. 211) and at a greater distance than one mile from the nearest telephone exchange maintained by the company.

Charges for telephonic communication.

Provided also that the charges hereby authorized to be made shall, after the expiration of five years from the date of the passing of this Ordinance be liable to be revised and if thought fit, reduced or increased by the Governor in Legislative Council.

Provided that no such reduction shall be made if it shall be shown that in consequence thereof the earnings of the company upon its capital after payment of all fixed charges shall be less than ten per cent. per annum. For the purposes of this section the term "capital" shall mean the capital issue of the company and the term "fixed charges" shall mean all such charges as are usual and proper in undertakings of a like character, and in the event of any dispute arising as to what charges are usual and proper in such undertakings, such dispute shall be referred to arbitration.

19.—(1.) The company shall maintain its works in an efficient manner so as to secure prompt telephonic communication amongst subscribers at all reasonable times, and if

Company to maintain works in efficient manner.



there shall be any interruption of such communication the company shall without unnecessary delay employ all the means within its 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 on conviction to a penalty not exceeding One pound and to a further penalty not exceeding Five shillings for every day after the date of such conviction 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 cognizance 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's Works Protected.*

Connection or  
disconnection  
with com-  
pany's works.  
How and when  
permitted.

**20.** No subscriber except with the permission in writing of the company shall connect or suffer to be connected directly or indirectly with any telephone work or works of the company any telephone 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 case of emergency, disconnect or suffer to be disconnected from any telephone line or work of the company, any telephone 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 an 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 not exceeding Five pounds, and the company may, in such case, cease to supply telephonic communication to the premises of such subscriber, and the

company may cut and disconnect and remove any telephone 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.

21. Any Officer appointed by the Company, may, at all reasonable times, and on production of his authority, enter any premises to which a telephone 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.

Entry and inspection by Company's servants.

22. Where any telephone works or 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 communication under the provisions of this Ordinance, such telephone works and 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.

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

#### *Government Supervision and Control.*

23.—(1.) The Governor may from time to time appoint and keep appointed one or more competent and impartial person or persons to be Electric Inspector or Electric Inspectors under this Ordinance.

Appointment and duties of Electric Inspectors.

(2.) The duties of an Electric Inspector under this Ordinance shall be as follows:—

(a.) The inspection and testing, periodically and in special cases, of the Company's works; and

(b.) Such other duties in relation to the Company's works as may be required of him under the provisions of this Ordinance or of any rules or regulations thereunder.

(3.) In respect of the said duties an Electric Inspector shall be entitled to take such fees as may from time to time be prescribed; provided that the Governor in Council may, if he thinks fit, receive from the Company an annual payment of such sum as may be agreed upon in lieu of all fees otherwise payable by the Company under this Ordinance.

Remuneration  
of Inspector.

24. The Governor in Council may pay to every Electric Inspector appointed by him under this Ordinance such reasonable remuneration, if any, as may from time to time be determined by him with the sanction of the Legislative Council, and that remuneration may be in addition to or in substitution for any fees directed to be paid to the Electric Inspector in respect of his prescribed duties.

Company to  
give notice of  
accident.

25—(1.) The Company shall send to the Governor in Council 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 fails to comply with the provisions of this section, they shall be liable for each offence to a penalty not exceeding one pound.

Inquiry into  
cause of  
accident.

(2.) The Governor in Council may, if he deems it necessary, appoint an Electric Inspector, or other fit person or persons, to inquire 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 Ordinance and of any rules and

regulations made under this Ordinance so far as such provisions affect the safety of the public, have been complied with by the company, and any person appointed under this section, not being an Electric Inspector, shall, for the purposes of his appointment have all the powers of an Electric Inspector under this Ordinance, and the expenses of such inquiry and report, to such an amount as the Governor in Council by his order certifies to be due, shall be paid by the company.

26. On the occasion of the testing of any works and lines of the company, reasonable notice thereof shall be given to the company by the Electric Inspector, and such testing shall be carried out at such suitable hours as the Inspector may think expedient, but except under the provisions of a special order in that behalf, made by the Governor in Council, he shall not be entitled to have access to or to interfere with the works and lines of the company at any points other than those at which the company have reserved for themselves access to the works and lines; Provided that the company shall not be held responsible for any interruption in the telephonic communication which may be occasioned by or required by such Inspector for the purpose of any such testing as aforesaid; Provided also that such testing shall not be made in regard to any particular portion of the works or lines oftener than once in any one year, except in pursuance of a special order in that behalf made by the Governor in Council.

Testing of  
works by  
Inspector.

27.—(1.) An Electric Inspector shall at the request of any subscriber and on payment of the prescribed fee, make such inspection of the works of the company upon the premises of the subscriber as may be necessary for determining whether the company has complied with the provisions of this Ordinance or with any rule or regulation thereunder.

Inspection of  
works at  
request of  
subscriber.

(2.) If upon any such inspection the Electric Inspector shall find that the company has infringed any of the provisions of this Ordinance, or any rule or regulation thereunder, the Electric Inspector shall, if required so to do by the subscriber, certify such default in writing, and may if he

thinks fit direct that the company shall refund the inspection fee, and thereupon such inspection fee shall be paid by the company to the subscriber.

Inspector may enter premises.

28. Any Electric Inspector appointed under this Ordinance shall have the right of access at all reasonable hours to the premises of the company or of any subscriber for the purpose of testing the telephone lines and instruments of the company and ascertaining if the same are in order, and if the same are not in order, he may require the company forthwith to have the same put in order.

Company may be represented at testing.

29. The company may, if they think fit, on each occasion of the testing of any telephone line or instrument of the company by an Electric Inspector, be represented by some officer or agent, but such officer or agent shall not interfere with the testing or inspection.

Company to give facilities for inspection

30.—(1.) The company shall afford all facilities for the proper execution of the provisions of this Ordinance with respect to inspection and testing and shall comply with all the requirements of this Ordinance in that behalf.

(2.) If the company make default in complying with any of the provisions of this section, they shall be liable in respect of each default to a penalty not exceeding One pound, and in case of a continuing offence, to a further penalty not exceeding Five shillings for every day after the first day during which such offence continues.

Inspector to report result of testing.

31.—(1.) Every Electric Inspector shall on the day immediately following that on which any testing has been completed by him under this Ordinance make and deliver a report of the results of his testing to the Governor in Council, or to the subscriber as the case may be, by whom he was required to make such testing, and also to the company, and such report shall be receivable in evidence.

Appeal to Director of Public Works.

(2.) If the company or any subscriber is dissatisfied with any report of an Electric Inspector, they or he may appeal to the Director of Public Works against such report, and thereupon he shall enquire into and decide upon the matter of any such appeal, and his decision shall be final and binding on all parties.

32. If at any time it appears to the Governor in Council: Governor in Council may order defective or dangerous work to be remedied
- (1.) That the company is maintaining any system of telephone lines and works not specified in this Ordinance nor approved by the Governor in Council; or
  - (2.) That any work of the company is defective so as not to be in accordance with the provisions of this Ordinance or of the rules and regulations subject to which the company is for the time being authorized to maintain lines and works under this Ordinance; or
  - (3.) That the company's works or communication thereby are or is attended with danger to the public;

the Governor in Council may if he thinks fit 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 makes default in complying with such order within the time so limited, they shall be liable to a penalty not exceeding One pound for every day during which such default continues.

Provided that when the matter so required to be remedied is in the opinion of the Governor in Council 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 not exceeding Five pounds for every day during which such user continues.

33. (1.) If at any time it appears to the Governor in Council that the company has failed to maintain in efficient working order the telephone system or systems which shall be subject to the provisions of this Ordinance in accordance with the provisions of this Ordinance, the Governor in Council may, after 60 days notice to the company specifying the matters and things in connection with the said telephone system which Revocation of licenses, powers, etc., of Company.

are not efficiently maintained or the matters and things which are defective, and after a full hearing of the said company (in which hearing the company shall have the right to call and examine witnesses under oath) and if it shall be made to appear that the matters and things, or any of them, complained of have been established, by order in writing, specifying the said matters and things require the company to remedy the same so as to comply with such order within such reasonable 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, the Governor in Council may by writing under seal revoke and determine all licenses, powers and authorities of the company under this Ordinance.

Power of  
trustee or  
agent for  
holders of  
Bonds or  
Debentures.

Provided that if the company has caused to be issued its Bonds or Debentures and shall have filed the name and address of its trustee or other agent for the holders of said Bonds or Debentures with the Governor in Council or Director of Public Works, then a copy of such order in writing shall simultaneously be given to such trustee or agent, and he on behalf of such Bond or Debenture holders shall be entitled to make good such default or comply with the terms of the said notice in lieu of the said company, and such compliance shall be deemed as done by the company.

(2.) In case of any such revocation or determination the company shall sell and transfer and the Governor in Council shall purchase all such plant as was immediately prior to such revocation or determination, in use, or purchased for the purpose of being used, by the company for the purpose of supplying the means of telephonic communication.

(3.) The value of all plant purchased by the Governor in Council under this section shall be deemed to be its fair market value at the time of such purchase, due regard being had to the nature and then condition of such plant and to the state of repair thereof and to the circumstance that it is in such a position as to be ready for immediate working, and to its suitability to the purposes of a telephonic service; and no addition shall be made to such value in

respect of compulsory purchase or of goodwill or of prospective profits or of any rights conferred by this Ordinance for the use of roads or other public property. In case of difference such value as aforesaid shall be determined by arbitration.

(4.) In this section the word "plant" includes works, materials and plant.

34. (1.)—After first communicating with the company and taking into consideration any representations made by them, the Governor in Council may make, repeal, re-enact, or amend rules and regulations respecting the construction and maintenance of the works of the company for <sup>Rules and regulations.</sup>

- (a.) the securing the safety of the public from personal injury or from fire or otherwise.
- (b.) the securing of a regular and efficient telephonic communication.
- (c.) the authorizing 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 Ordinance.

(2.) All such rules and regulations shall be published in the *Royal Gazette*; and a copy of the *Royal Gazette* containing the same shall be *prima facie* evidence of such rule and regulation having been made.

(3.) Any such rule or regulation may impose reasonable 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 One pound for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence Five shillings for every day during which such offence continues; but all rules and regulations shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

35. If in any case where any matter is in this Ordinance authorized or directed to be determined by the Governor in Council it appears to the Governor in Council to be expedient, for convenience of local investigation or for any other <sup>Governor in Council may refer matter to arbitration.</sup>



reason, that the matter should be determined by an arbitrator, the Governor in Council may, notwithstanding anything herein contained, and whether the Governor in Council has entered on the investigation or not, refer the matter to some competent and impartial person as arbitrator, and with respect to the matter so referred any such arbitrator shall have the like authority and jurisdiction as the Governor in Council has under this Ordinance and his determination shall have the same effect as a determination of the Governor in Council under this Ordinance.

*Commencement of Work ; Deposit.*

Deposit on  
commence-  
ment of new  
work.

36.—(1.) Before commencing any work authorized by this Ordinance (not being the alteration or repair of existing works) the company shall obtain the license of the Governor in Council, in which shall be specified the period within which such work shall be completed, and the Company shall also deposit with the Receiver-General a sum of money not less than 4 per cent. of the estimated cost of constructing such work (such estimated cost to be approved by the Director of Public Works).

(2.) The sum so deposited together with Interest thereon at the rate of 3 per cent. per annum shall, on the certificate of the Director of Public Works, be repaid to the Company in manner following, that is to say, one-third thereof on the completion of one-third of the said work, another third thereof on the completion of two-thirds of the said work, and the remaining third thereof on the completion of the said work.

(3.) But if such work shall not be completed within the time specified in such license then the sum so deposited or such portion thereof as remains on deposit shall on the expiration of such specified time be forfeited to His Majesty.

*Miscellaneous Provisions.*

Office.

37. The Company shall at all times have an office in the town of Port-of-Spain.

Acquisition of  
land.

38. The Company may purchase, lease or otherwise acquire and may sell and convey land and may exercise the

powers of the Land Acquisition Ordinance (No. 42) for the purpose of their works, and the powers of the Director of Public Works under the said Ordinance may be exercised in respect of the acquisition of land by the Company.

39. Except with the consent of the Governor in Council the Company shall not sell nor absolutely assign, transfer or deliver to any body or person the licenses, powers or authorities or any of them conferred upon the Company by this Ordinance or by virtue of the provisions thereof. Sale or transfer of concession.

40. Notices, orders and other documents under this Ordinance shall be in writing, and where any notice, order or document requires the authentication of the Company, the signature thereof by their Manager or Secretary shall be sufficient authentication. Notices, etc. Form and authentication of.

41.—(1.) Any notice, order or document required or authorized to be served upon any body or person under this Ordinance 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 : Service of notices, etc.

- (a.) In the case of the Governor in Council, the office of the Colonial Secretary;
- (b.) In the case of the Postmaster-General, the General Post Office;
- (c.) In the case of the Director of Public Works, the office of the Director of Public Works;
- (d.) In the case of any local or road authority, the office of such local or road authority;
- (e.) In the case of any company having a registered office, the registered office of such company;
- (f.) In the case of a company having an office or offices, but no registered office, the principal office of such company; and
- (g.) In the case of any other person, the usual or last known place of abode of such person.

(2.) Any notice order or document by this Ordinance required or authorized 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 Ordinance required or authorized 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.

42. Subject to the provisions of this Ordinance as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Ordinance 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, under and within the meaning of the Public Holidays Ordinance, No. 121.

Rules and  
Regulations  
to be printed  
and kept for  
sale.

43. All rules and regulations made under this Ordinance and for the time being in force, shall within one month after the same, as made or last altered, have come into force, be printed at the expense of the company, and true copies thereof, certified by or on behalf of the company, shall be kept by them at their registered office and supplied to any person demanding the same, at a price not exceeding one shilling for each copy.

Injurious  
affection.

44. The right conferred by this Ordinance on the company to use and to supply telephonic communication or service shall be exercised only in accordance with the rules and regulations from time to time made by the Governor in Council under the provisions of this Ordinance, and in every case in which so far as the same may be relevant, such rules and regulations may be complied with, the company shall be deemed to have taken all sufficient, reasonable and proper precautions for preventing injurious affection to or interference with the electric works and lines of other bodies or persons, and the currents therein: Provided that nothing in this Ordinance or in such rules and

regulations shall be held to give to any body or person any right of action or complaint against the company in respect of any electric works, lines or apparatus or the currents therein, unless in the construction, erection, maintenance and working of such works, lines and apparatus all reasonable and proper precautions have not been taken by the company to prevent injurious affection thereto and interference therewith and with the currents therein by or from other electrical currents.

45.—(1.) The company may secure the payment of any bonds or debentures issued by them by mortgages of their property and works; and they may borrow money on the security of such mortgages. Company may mortgage their property.

(2.) The company may in and by any such mortgage confer upon the holders of such bonds or debentures, or the trustee or trustees under such mortgage, for their benefit such powers, rights and remedies as may be deemed desirable, in order to enable the holders of the said bonds or debentures, or such trustee or trustees, in its behalf to obtain possession and enjoyment of and title to such property and works, or to obtain the value thereof by sale or otherwise, in case of default by the company in the performance of the conditions of such mortgage; and the holders of such bonds or debentures or any person claiming by, through or under them, or any purchasers from the said trustee or trustees or under any sale made by order of a Court of competent jurisdiction, in case they shall take possession of the property and works under the provisions of the said mortgage, may organize themselves into a domestic or foreign corporation, and the provisions of this Ordinance, or any Ordinance in amendment thereof, shall apply to such corporation and its members, and such corporation shall be entitled to have and enjoy the powers privileges and franchises conferred upon the company by this Ordinance, or any Ordinance in addition hereto or in amendment hereof, subject to the conditions and provisions of this Ordinance and the rules and regulations made hereunder.

(3.) The holders of the said bonds or debentures whether they shall organize themselves into a corporation

as herein provided or not, or the said trustee or trustees or any persons or corporations claiming by, through or under them, or the purchasers under any sale made by a Court of competent jurisdiction, shall in case they take possession of the said property and works under the provisions of the said mortgage or otherwise be entitled to hold own and enjoy the same as fully and effectually as did the company theretofore, and they shall be entitled to hold and enjoy all the powers, rights, privileges, franchises and exemptions in reference thereto which were held and enjoyed by the company, subject to the provisions hereof and any special or general Ordinance in force in the Colony and the rules and regulations made hereunder.

Any foreign corporation or trust company may act as trustees under such mortgage.

(4.) The provisions of the Bills of Sale Ordinance (No. 63) shall not apply to such mortgage nor to the bonds or debentures issued hereunder, nor to any lien or charge upon the property of the company thereby created.

Payment of  
charges—  
How enforced.

46. If any body or person shall fail to pay any charge authorized by this Ordinance or any other sum due from such body or person to the company in respect of the supply of telephonic 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 may cut or disconnect and remove any telephone 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 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.

47. Every subscriber whose telephonic communication is discontinued at his request shall be liable to pay to the

company one month's telephone 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.

48. 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 telephone line or for the transmission of messages thereby; or

Injury or obstruction of Company's works.

- (b.) prevents or obstructs the sending, transmission or delivery of any communication by any telephone line

shall be guilty of an offence under this Ordinance and shall on summary conviction be liable to a penalty of Twenty-five pounds or in default thereof to be imprisoned with or without hard labour for six months.

49. Every person who wilfully attempts to commit any such offence as in the next preceding section mentioned is guilty of an offence and liable on summary conviction to a penalty not exceeding Ten pounds, or to three months imprisonment with or without hard labour.

Attempt to injure or obstruct.

50. Nothing in the two next preceding sections shall exempt a person from any proceeding for any offence which is punishable under any other provision of this Ordinance or under any other Ordinance, or at common law, so that no person is punished twice for the same offence.

Saving.

51. Where no other penalty has been prescribed for any contravention of or neglect to comply with the provisions of this Ordinance (other than the payment of money) any such contravention and neglect shall subject the offender to a penalty not exceeding Five pounds: Provided that nobody having any claim against the company under this Ordinance 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.

Penalties.

Recovery of  
charges and  
penalties.

52. All rentals, tolls, charges and penalties payable under this Ordinance or any rule or regulation made in pursuance of this Ordinance may be recovered and enforced in a summary manner before a Stipendiary Justice of the Peace; and the procedure in any such case shall be in accordance with the provisions of the Summary Conviction Offences (Procedure) Ordinance No. 1, or as near thereto as the circumstances of the case will permit.

Company's  
liability for  
accidents,  
damages, etc.

53. The company shall be answerable 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 persons by whom any street is repairable, 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 powers  
as to streets,  
etc.

54. Nothing in this Ordinance shall take away or affect any power which any body or person may have by Ordinance to widen, alter, divert, or improve any street, road, railway, tramway or canal.

Saving rights  
of Crown.

55. Nothing herein contained shall affect or be deemed to affect the rights of His Majesty the King His Heirs or Successors or any body or person except such as are mentioned or referred to in this Ordinance and those claiming from through or under them.

Company to  
have exclusive  
right for 30  
years.

56. Subject to the provisions of this Ordinance the company shall have for the period of Thirty years from the commencement of this Ordinance the exclusive right within the Island of Trinidad to acquire, construct, maintain and operate telephone lines and a telephone service for the public use for hire or tolls.

Provided always that the Governor in Council may at the end of nine years from the commencement of this Ordinance and at the end of each period of seven years thereafter during the said term or any extension thereof by giving six calendar months previous notice in writing of his

intention so to do, purchase the entire works plant and undertaking and all other the real and personal property and effects of the Company, at the then value of the same, allowance being made in estimating such value for compulsory purchase goodwill and prospective profits.

Provided always that this clause shall not be construed so as to prohibit or prevent any person, firm or corporation from building, maintaining or operating telephone lines or a telephonic service on their own property for their private use or the use of their business, or both.

Provided also that this clause shall not prevent the Government from operating the telephone line now owned by them and running from Arima to Sangre Grande and from San Fernando to Cedros or any other lines used by them in connection with the working of existing or future railway lines belonging to them, or lines erected by them under Section 15 hereof.

57. It shall be lawful for the Governor in Council on the application of the company to grant an extension of the exclusive rights mentioned and described in Section 56 for a further period of twenty years at any time within one year previous to the expiring of such exclusive right or any extension thereof. Provided that in the case of an extension so applied for being refused by the Governor in Council, the Governor in Council shall purchase the entire works plant and all other the real and personal property and effects of the Company at the then value of the same. Extension of concession.

58. Nothing in this Ordinance contained shall be deemed or construed to permit the company to operate or maintain any system of wireless telegraphy except by the express permission of the Governor in Council. Wireless telegraphy.

59. In return for the exclusive right granted by Section 56 Government may place cross-arms on Company's poles.

(1.) The company shall permit the Government to place one cross arm on any or all of its poles in the Town of Port-of-Spain free of all rental charges, such cross arm to be used only for the purpose of carrying wires 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 incurred by the company by the exercise by the Government of the powers conferred by this section shall be made good and paid to the company by the Government.

Company to  
pay Govern-  
ment 1 per  
cent. of gross  
earnings.

(2.) The Company shall pay to the Government a sum equal to one per cent. of its gross earnings from its Telephone service in the Island of Trinidad, such payment to be made each year within three months from the last day of the company's financial year. Provided always that such one per cent. of the gross earnings of the company shall be accepted by the Government in lieu of all taxation whether special or otherwise, save and except such taxation as exists at the time of the commencement of this Ordinance.

Repeal.

60. The Commercial Telephone Company (Limited) Ordinance (No. 247) and the Telephone Ordinance (amendment) Ordinance 1908 (No. 39 of 1908) are hereby repealed. Provided that this repeal shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before or any proceeding pending or uncompleted at the commencement of this Ordinance.

Provided also that all rules and regulations made under the said Commercial Telephone Ordinance No. 247 shall continue in force until amended or revoked by regulations made under this Ordinance.

Commence-  
ment.

61. This Ordinance shall commence on the 31st day of July, 1909.

Passed in Council this Twenty-ninth day of March, in the year of Our Lord one thousand nine hundred and nine.

J. M. FARFAN,  
*Acting Clerk of the Council.*

## SCHEDULE.

## MAXIMUM CHARGES FOR TELEPHONIC COMMUNICATION.

## A.—Rentals.

For each Telephone—	£	s.	d.
(a.) In a private residence, per month...	...	12	6
(b.) In an office or other place of business, per month ... ..	...	16	8

## B.—Tolls for use of Trunk lines.

(a.) For each conversation of five minutes or less where length of lines does not exceed 6 miles...	3
(b.) For each additional 2 miles or fraction thereof up to 12 miles ... ..	1
(c.) For each additional 4 miles or fraction thereof over 12 miles ... ..	1

For conversations exceeding five minutes duration an additional toll not exceeding one-fifth of the above tolls for each additional minute or fraction thereof.

## C.—Tolls for use of Public Telephones.

- (a.) For five minutes conversation or less where  
Trunk line is not used... .. 3d.
- (b.) For conversation exceeding five minutes duration, an  
additional toll not exceeding one half-penny for each  
additional minute or fraction thereof.
- (c.) Where a public telephone is used for conveying a message  
over a trunk line, the tolls for the use of the trunk line  
will be payable in addition to the tolls for the use of  
the Public Telephone.