



TRINIDAD AND TOBAGO

No. 39—1960

[L.S.]

I ASSENT,

ELLIS CLARKE

Governor's Deputy

26th November, 1960.

AN ORDINANCE to authorise the acquisition of the Telephone system of the Trinidad Consolidated Telephones Limited and for matters incidental thereto.

[On Proclamation]

WHEREAS the Trinidad Consolidated Telephones Limited being a Company incorporated under the Companies Ordinance with limited liability and having its registered office in the City of Port-of-Spain in the Territory of Trinidad and Tobago (hereinafter in this preamble referred to as "the Company") has since 1909 been operating a telephone system in the Territory under statutory authority which is now the Trinidad Consolidated Telephones Limited Ordinance (hereinafter in this preamble referred to as "the Ordinance"); and

Commence-
ment

Preamble.

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Whereas under the Ordinance the Governor in Council is vested with the power to purchase the undertaking of the Company pursuant to certain conditions and stipulations set out in section 57 of the Ordinance including, *inter alia*, the giving by the Governor in Council to the Company of twelve calendar months previous notice in writing of his intention to purchase the undertaking, and by purchasing the works, plant and the other real and personal property (excluding cash, book-debts and securities) at the net value of the same at the date of purchase together with an additional sum equal to 10 per cent. of such net value; and

Whereas for some time past the Company has been unable to operate its telephone system by reason of a strike of its employees which has resulted in a stoppage of telephone communication in the Territory; and

Whereas the Company has indicated its willingness that the Government should acquire the telephone system of the Company; and

Whereas it is deemed expedient in the public interest that the Government should acquire the telephone system of the Company on the terms and conditions set forth in this Ordinance.

Enactment. Be it therefore enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

Short title. 1. This Ordinance may be cited as the Telephone System Acquisition Ordinance, 1960.

Definitions. 2. (1) In this Ordinance—

"Company" (a) "Company" means the Trinidad Consolidated Telephones Limited incorporated under the Companies Ordinance with limited liability and having a registered office in the City of Port-of-Spain;

Ch. 31. No. 1. (b) "Minister" means the member of the Cabinet for the time being charged with the administration of the subject of internal communications;

"Territory" (c) "Territory" means the Territory of Trinidad and Tobago;

"undertaking" (d) "undertaking of the Company" means the lands, works and plant of the Company.

(2) In this Ordinance the expressions "telephone system", "telephone service" and "works" have the meanings given them by subsection (1) of section 2 of the Trinidad Consolidated Telephones Limited Ordinance.

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3. (1) Subject to this section, there is hereby vested in the Government absolutely the undertaking of the Company except cash, book-debts and securities of the Company.

Vesting of undertaking of the Company and compensation.

(2) Upon the vesting of the undertaking of the Company in the Government there is payable to the Company by way of compensation therefor the net value thereof ascertained in accordance with subsection (2) of section 57 of the Trinidad Consolidated Telephones Limited Ordinance but decreased by such amount as ought fairly and reasonably to be deducted having regard to the deterioration in value of the undertaking as a result of any damage that may have occurred thereto.

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4. (1) If, after thirty days from the commencement of this Ordinance, the Company and Government cannot agree on the amount to be paid under this Ordinance by way of compensation to the Company, either of these parties may, upon giving seven days' notice in writing to the other party of its intention to make the application, apply by summons to a Judge in Chambers to assess the compensation to be paid under this Ordinance.

Determination of compensation.

(2) The proceedings on the application and all matters and things incidental and ancillary thereto shall be had and taken *mutatis mutandis* in the same manner as on an assessment of damages by a Judge in Chambers.

5. (1) Compensation assessed by the Judge in Chambers or by the Full Court on an appeal thereto shall be paid to the Company within twenty-one days of the making of the order by the Judge or Full Court, as the case may be.

Assessed compensation and appeal therefrom.

(2) Any order of the Full Court made pursuant to this Ordinance is final and binding on the parties and there is no appeal therefrom.

6. Interest at the rate of six per cent. per annum from the commencement of this Ordinance is payable to the company on any portion of the compensation payable under this Ordinance while the same remains unpaid.

Interest.

7. All contracts or agreements entered into by the Company with its subscribers and subsisting on the commencement of this Ordinance are assigned to the Government and continue

Contracts of company.

binding upon the subscriber; but the Government is under no obligation to provide telephone service to such a subscriber until the telephone system is in full operation.

Authority of
Government
to operate
telephone
system.

8. The business of providing telephone services to the public of the Territory may be carried on by the Government by the repair, operation, maintenance and extension of the telephone system vested in it by this Ordinance, and all things necessary for or incidental or ancillary to that purpose may be done under the authority of this Ordinance.

Entry and
inspection.

9. (1) Without limiting the generality of section 8, an officer authorized in that behalf by the Minister may, at all reasonable times, and on production of his authority, enter any premises to which a telephone line has been supplied and may inspect, test, remove or replace the lines, transmitters, receivers, other instruments, apparatus, or fittings placed in or upon such premises and belonging to the Government.

(2) All damage caused by any such entry, inspection, removal or replacement shall be repaired.

Connections
to telephone
system.

10. (1) No person without first having obtained permission to do so from the Minister—

(a) shall connect or suffer to be connected, directly or indirectly, with any telephone line or works of the Government, any telephone line, transmitter, receiver or other instrument, apparatus or fitting that is not the property of or supplied by the Government;

(b) shall disconnect or suffer to be disconnected, except in the case of an emergency, from any telephone line or works of the Government, any telephone line, transmitter, receiver or other instrument, apparatus or fitting that is the property of or supplied by the Government.

(2) A connection or disconnection from a telephone line or works of the Government of any telephone line, transmitter, receiver or other instrument, apparatus or fitting shall, except in the case of an emergency, be by or under the supervision of an officer employed in respect of the telephone business of the Government.

(3) A person who contravenes a provision of this section is liable on summary conviction for each offence to a penalty of twenty-five dollars.

11. A person who wilfully—

Offences.

(a) destroys, removes, or damages anything that 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

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

is liable on summary conviction to a penalty of one hundred and fifty dollars.

12. (1) If any person fails to pay any charge authorized pursuant to this Ordinance or any other sum due from such person for any telephone service to such person, the Minister—

Failure to pay charges.

(a) may, after giving seven days' notice to that effect, discontinue the telephone service and for that purpose may disconnect and remove any telephone and telephone equipment through which the service is supplied; and

(b) may, until such charge or other sum, together with any expenses incurred by the Government in disconnecting the telephone service, is fully paid, discontinue the telephone service supplied to such person,

notwithstanding any agreement then or previously existing between the Government and such person and without prejudice to any other right or remedy for the protection of the Government or for the recovery of such charge by the Government.

(2) Every subscriber whose telephone service is discontinued at his request is liable to pay one month's telephone rental in addition to the rental for the current month, unless he has previously given to the Minister at least one month's notice to disconnect the telephone service.

13. The Governor in Council may make regulations providing for such matters and things as may be necessary or advisable to carry out the intent of this Ordinance including, without limiting the generality of the foregoing, the fixing of charges for telephone services supplied by the Government.

Regulations.

14. The Trinidad Consolidated Telephones Limited Ordinance is hereby repealed.

Repeal of Ch. 36. No. 4.

Commence-
ment.

15. This Ordinance shall come into operation on a day to be appointed by the Governor by proclamation published in the *Royal Gazette*.

Passed in Council this twenty-fifth day of November, in the year of Our Lord one thousand nine hundred and sixty.

G. R. LATOUR

Clerk of the Council