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CHAPTER 164.

TELEGRAPHS.

22 of 1900.
2 of 1901.
12 of 1916.
24 of 1926.
12 of 1928.
2 of 1947.
15 of 1954.

An Ordinance to Provide for the Construction, Regulation, and Protection of Telegraphs, and to Prohibit the Divulging or Forging of Telegraphic Messages.

[21ST AUGUST, 1900.]

Short title.

1. This Ordinance may be cited as the Telegraphs Ordinance, and shall apply to the Colony and Protectorate.

Interpreta-
tion

2. In this Ordinance, unless the context otherwise requires—

“ Manager ” means the Postmaster General, or the Manager of any Government Telegraph Line, or the Manager or Agent of a Telegraph Company;

“ Chief ” means the headman or Chief of any village, district, town, territory, or country;

“ telegraph line ” or “ telegraph ” or “ line ” mean a wire conductor or other means used for conveying, transmitting, or distributing electricity, or any like agent for the purpose of communication by telegraph, telephone, or other apparatus, or for the purpose of providing a re-diffusion service together with any casing, coating, tubing, pipe-covering, insulator, or post, enclosing, surrounding or supporting the same, and any works as herein defined; and includes any portion of a telegraph line as herein defined;

“ post ” includes a tree, pole, standard, stay, strut, pier, abutment, or other contrivance for carrying, suspending, or supporting a telegraph line;

“ road ” includes any highway, any public or private road, street, square, court, alley, thoroughfare, or passage, and any open space in a town, and any railway or tramway;

“ works ” include any wire, insulator, or post, and also any instrument, furniture, plant, office, building, machinery, engine, excavation, work, matter, or thing of whatever description in any way connected with a telegraph line;

15 of 1954.

“ re-diffusion service ” means a service provided by the Government whereby wireless broadcast programmes and local programmes are relayed by wire or other conductor of electricity to the premises of subscribers to such service;

“Telegraph Company” means any company, corporation, or persons carrying on the business of sending messages or telegrams for the public, under whatever authority, or in whatever manner, such company, corporation, or persons may act or be constituted;

“telegram” means any message or other communication conveyed or transmitted, or presented at a telegraph office for transmission, by a telegraph line;

“Government telegram” means any message or other communication conveyed or transmitted, or presented at a Government telegraph office for transmission, by a Government telegraph line;

3. Whoever shall steal, cut, sever, or break, with intent to steal, any telegraph line or works, whether fixed in the ground or not, and whether fixed on, or to, any building or erection or post, or not, shall be guilty of felony, and, on conviction thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding five years.

Stealing line
or works.

2 of 1947.

4. (1) Whoever shall unlawfully and maliciously cut, break, throw down, destroy, injure or remove any telegraph line or works, or shall unlawfully and maliciously prevent or obstruct in any manner whatsoever the sending, conveyance or delivery of any telegram, or the proper working of a re-diffusion service, or who, not being authorised thereto by the manager, shall attach any apparatus by means of any wire or other conductor of electricity to any telegraph line for the purpose of receiving any telegram or of overhearing any telephone conversation or re-diffusion service, shall be guilty of a misdemeanour and shall be liable on conviction thereof on information to imprisonment with or without hard labour for a period not exceeding five years, or on summary conviction thereof to a fine not exceeding one hundred pounds or to imprisonment not exceeding one year, or to both such fine and imprisonment.

Injuring or
interfering
with line
or works.
15 of 1954.

(2) When any person is convicted of an offence under the provisions of sub-section (1), and the Court is satisfied that such person has unlawfully and maliciously attached any apparatus to a telegraph line, the Court shall declare such apparatus to be forfeited to the Crown, and thereupon such apparatus shall be forfeited accordingly.

5. Whoever shall unlawfully and maliciously, by any overt act, attempt to commit any of the offences in the last preceding section mentioned shall, on conviction thereof, be liable to

Attempt.

2 of 1947. imprisonment, with or without hard labour, for any term not exceeding six months.

Arrest of offenders.

6. Any person may, without warrant, apprehend anyone who shall be found offending against the provisions of any of the last three preceding sections, and may deliver him to some constable, or convey him before the Magistrate, to be dealt with according to law; and whoever shall resist any person acting in the execution of this provision shall be liable to a penalty not exceeding twenty pounds.

Damage to be made good.

7. Every person causing damage to any telegraph line or works, although he shall have been fined or imprisoned or both, under the provisions of this Ordinance, shall also be liable to make good the damage done by him, the amount of which damage shall be determined by the Court adjudicating, and such amount, when determined, may be recovered in the same way as a penalty.

Obstructing officers.

8. Whoever shall wilfully obstruct or impede any person employed in the working of any telegraph in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Power to place sections of a telegraph in charge of Chiefs.

9. The Governor may, by writing under his hand directed to any Chief in the Protectorate, place any section of a telegraph under the charge of such Chief, whose duty it shall then be to preserve such section of a telegraph, and in the event of any injury, destruction, or removal of any part of such telegraph, to give immediate notice to the District Commissioner of the district in which such Chief resides.

Fining of Chief in case of malicious injury.

10. When within the district of such Chief wrongful damage to any telegraph is maliciously committed or attempted, if such Chief, or the inhabitants of any town or village in his district, fail to render active assistance in preventing the offence, or in arresting and securing the offender, the Governor may, after such inquiry as he deems necessary, impose upon such Chief, or upon such town or village, or upon any portion thereof, a fine, to be assessed by the District Commissioner, subject to the orders of the Governor, upon the inhabitants according to the circumstances of the case.

Existing lines subject to this Ordinance.

11. Every telegraph line constructed prior to the commencement of this Ordinance shall be subject to the provisions of this Ordinance, and of any rules made hereunder.

12. The Governor may from time to time establish and maintain telegraph lines throughout the limits to which this Ordinance extends.

Governor
may establish
lines.

13. The Postmaster General shall superintend the construction and maintenance of all Government telegraph lines, and, by himself or his officers or agents may—

Powers of
Postmaster
General.

(a) enter upon any lands for the purpose of constructing, placing, or maintaining any line, or of examining, repairing, altering, or removing any line so placed, and may there remain for such reasonable time and execute and do all such work and things as may be necessary for the purposes of this Ordinance; and

(b) survey and take levels of any such lands or any part thereof, and also dig, cut, remove, and carry away any earth, stone, soil, sand and gravel whatever, and any trees or timber suitable for the construction, maintenance, or alteration of any line, or any other works belonging or appertaining to any line, or connected therewith; and

(c) cut and remove on each side of any proposed or existing line all such trees and underwood as may interfere, or be likely to interfere, with the construction or proper working of any line; and

(d) construct, place, and maintain lines under, in, upon, over, along, or across any land or building, or any railway, tramway, river, or canal, or any bridge, embankment, dock, harbour, or pier, or any estuary or branch of the sea, or the shore or bed of any tidal or other water; or under, in, upon, over, along, or across any road, and for such purpose may open or break up any road, and alter the position thereunder of any pipe (not being a main) for the supply of water or gas; and may alter or remove any line so constructed or placed as aforesaid:

Provided that the Postmaster General shall, on the completion of such purpose, repair and make good the road so opened or broken up.

14. Every line placed over or under any navigable waters shall be so placed as not to hinder or obstruct the navigation of such waters, and every line placed across or over any road shall be so placed as not to stop, hinder, or interfere with the passage along such road.

Navigation of
rivers and use
of roads not
to be
obstructed.