

CHAPTER 423

THE TELECOMMUNICATIONS ACT

Arrangement of Sections

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TELECOMMUNICATIONS

(11th June, 1951.)

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1/1953.
18/1954.
S.R.O. 22/1956.
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1. This Act may be cited as the Telecommunications Act. **Short title.**

2. (1) In this Act— **Interpretation.**

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

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

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

"telecommunications apparatus" includes any appliance used or intended to be used for the purpose of telecommunications;

"telecommunications officer" means the person appointed by the Governor-General under section 3;

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

"telecommunications station" means a station used for telecommunications and includes a mobile station;

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

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

Appointment of telecommunications officer.

3. The Governor-General may appoint a telecommunications officer for Antigua and Barbuda to carry out the provisions of this Act.

Licence for telecommunications.

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

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

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

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

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

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

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

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

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

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

Inspection of licence.

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

Liability of occupier.

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

Telecommunications apparatus on ships and aircraft.

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

(a) any ship whilst that ship is in the territorial sea of Antigua and Barbuda; or

(b) any aircraft whilst that aircraft is in or over Antigua and Barbuda or the territorial sea thereof,

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

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

Disposal of privately owned telecommunications apparatus.

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

Provided that in the case of the sale or disposal of any telecommunications apparatus forming part of any telecommunications station licensed under this Act, the person so selling or disposing of the same shall within fourteen days of

such sale or disposition notify the telecommunications officer thereof in writing, stating the name and address of the person to whom such telecommunications apparatus has been sold or otherwise disposed of, and the description of such telecommunications apparatus.

(2) Every person who contravenes the provisions of sub-section (1) shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two hundred and fifty dollars.

12. Any person who—

Disclosure of communications.

(a) without authority in writing first had and received from the Cabinet intercepts any telecommunications not intended for the general public and discloses or makes use of the contents, or even discloses the existence of such telecommunications; or

(b) being employed or engaged in any capacity whatsoever at a telecommunications station, contrary to his duty discloses or in any way makes use of, or intercepts the contents or any part of the contents of any message transmitted or received or to be transmitted or delivered at or from such station,

shall be guilty of an offence under this Act.

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

Stoppage of transmission of telegram.

14. Any person who unlawfully and maliciously—

Injury to apparatus etc and obstruction.

(a) removes, injures or destroys any apparatus or installation for the purpose of telecommunications or any part of such apparatus or installation; or

(b) obstructs or prevents in any manner whatsoever the sending, conveying, delivery or receipt of any message or signal by telecommunications,

shall be guilty of an offence and shall on summary conviction be liable to a penalty not exceeding five thousand dollars or to imprisonment with or without hard labour for a term not exceeding six months, or on conviction on indictment to imprisonment with or without hard labour for a term not exceeding two years.

Search warrant.

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

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

Control of telecommunications in case of emergency.

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

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

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

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

Rules.

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

(a) regulating and prescribing the duties of telecommunications officers;

(b) the types and forms of licences and the manner in which applications for licences are to be made;

(c) the licensing of dealers in and the sale or transfer of telecommunications apparatus;

(d) the terms on which and the conditions and restrictions subject to which licences shall be granted and the duties of licensees;

(e) the conditions under which telecommunications may be worked in Antigua and Barbuda and on ships or on any aircraft while in or over Antigua and Barbuda or the territorial sea thereof;

(f) the securing of the safety of the public from personal injury;

(g) the control, measurement and suppression of electrical interference in relation to the working of telecommunications apparatus;

(h) controlling the user of any instrument or apparatus erected, constructed, established or maintained under a licence granted under this Act and the transmission or reception of any messages thereby;

(i) for obtaining secrecy on the part of all persons employed in or in any way connected with the maintenance and working of any telecommunications station and prescribing the form and nature of any oath of secrecy to be taken by any such person;

(j) the examination of applicants for licences to establish and to operate a telecommunications station and for the examination of apparatus and equipment; and

(k) the register and records to be kept with respect to licences issued under this Act.

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

Right of entry, etc.

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

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

Penalties.

20. Any person guilty of an offence under this Act shall, where no penalty is expressly provided, be liable on summary conviction to a penalty not exceeding three thousand dollars or to imprisonment with or without hard

labour, for a term not exceeding six months, or to both such imprisonment and fine.

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

22. Nothing in this Act contained shall in any way affect or restrict the operation of any licence granted to Cable and Wireless (West Indies) Limited or its assignee under the provisions of any law in force in Antigua and Barbuda on the coming into operation of this Act. **Licence to Cable and Wireless (West Indies) Limited not to be affected.**
