



BELIZE

**TELECOMMUNICATIONS ACT
CHAPTER 229**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
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CHAPTER 229

TELECOMMUNICATIONS

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CHAPTER 229

TELECOMMUNICATIONS¹

Parts I to V, etc. [29th December, 1987]

Parts VI, etc. [30th December, 1987]

Section 73, etc. [22nd June, 1990]

PART I

Preliminary

Short title. 1. This Act may be cited as the Telecommunications Act.

Interpretation. 2. In this Act, unless the context otherwise requires-

“appointed day” means the day referred to in section 3 (1);

22 of 1972. “B.T.A.” means the Belize Telecommunication Authority established under section 3 of the Belize Telecommunication Authority Ordinance;

“commercial activities connected with telecommunications” means any of the following, that is to say, the provision of telecommunication services, the supply or export of telecommunication apparatus and the production or acquisition of such apparatus for supply or export;

“disabled person” means any person who is blind, deaf or dumb or who is substantially and permanently handicapped by illness, injury, congenital deformity or any other disability and “disabled” shall be construed accordingly;

1. This Act should be read and construed so as to give effect to the Public Utilities Commission Act, Chapter 223 (see s 56 (1) of Chapter 223).

“local authority” means any authority having municipal or administrative jurisdiction over and within any area in respect of which rights are exercised under this Act;

“message” means any communication sent or received or made by telecommunication or given to a telecommunication officer to be sent by telecommunication or to be delivered;

“Minister” means the Minister for the time being responsible for Communication;

“radiocommunication” means communication by radio waves;

“radiocommunication apparatus” includes all technical apparatus or equipment capable of conducting radio communication;

“telecommunication” means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by wire, radio, optical or other electromagnetic system;

“telecommunication apparatus” means apparatus constructed or adapted for use-

- (a) in transmitting or receiving anything falling within subparagraphs (a) to (d) of the definition of “telecommunication system” which is to be or has been conveyed by means of a telecommunication system; or
- (b) in conveying for the purpose of such a system, anything falling within those subparagraphs;

“telecommunication installation” means any apparatus or equipment maintained for or in connection with a telecommunication service;

“telecommunication officer” means any person employed in connection with a telecommunication service;

“telecommunications operator” means any person or company authorised by a licence granted under section 20 to run a telecommunication system;

“telecommunication service” means any of the following, that is to say-

- (a) a service for the conveyance by means of a telecommunication system of anything falling within subparagraphs (a) to (d) of the definition of “telecommunication system”; and
- (b) a directory information service, that is to say, a service consisting in the provision by means of a telecommunication system of directory information for the purpose of facilitating the use of a service falling within paragraph (a) above and provided by means of that system; and
- (c) a service consisting in the installation, maintenance, adjustment, repair, alteration, moving, removal or replacement of apparatus which is or is to be connected to a telecommunication system; and
- (d) any service involving telephony and telegraphy (including telephone calls, whether complete or incomplete) of any other telecommunication transmissions or signals which originate in Belize, whether or not the body providing the service operates from Belize or elsewhere, except to the extent that such body has entered into an agreement to provide such service with an entity which has been granted a licence for that purpose under the provisions of this Act;

“telecommunication system” means a system for the conveyance, through the agency of electric, magnetic, electromagnetic, electrochemical or

electromechanical energy, of-

- (a) speech, music and other sounds;
- (b) visual images;
- (c) signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sounds or any visual images; or
- (d) signals serving, for the actuation or control of machinery or apparatus;

“vesting day” means the day specified in subsection (1) of section 68.

PART II

Regulation and Provision of Telecommunication Services

3.-(1) As from such day as the Minister may by Order appoint for the purpose of Parts I to V of this Act (in this Act referred to as “the appointed day”), the B.T.A. shall cease to perform the functions imposed on it under paragraph (b) and (e) of section 12 (as described in subsection 2 below) of the Belize Telecommunication Authority Ordinance (in this Act referred to as the B.T.A. Ordinance).

Performance of certain of B.T.A.'S functions. 22 of 1972.

(2) On the appointed day, the B.T.A. shall cease to-

- (a) regulate, monitor and control all telecommunication services within Belize, in accordance with national policies, and bilateral or multilateral agreements adhering to the guidelines of the International Telecommunications Union;

- (b) promote and encourage the effective and efficient development and administration of the national and international services of Belize and the efficient use of the radio frequency spectrum, in particular by formulating and advising the Minister on national policies covering the whole field of telecommunication having regard to the development, wellbeing and security of the country.

National and regional telecommunications services.

4.-(1) During the transition period, the B.T.A. shall continue to perform those functions necessary and sufficient for the provision of national and regional telecommunication services, other than those functions transferred to the Director under section 7 below.

(2) For the purposes of this Act, “the transition period” means the period beginning with the appointed day and ending on the vesting day.

International telecommunication service.
Schedule.
Schedule.

5.-(1) As from the appointed day, international telecommunication service shall continue to be provided under existing licence and agreements in accordance with subparagraph (1) of paragraph 1 of the Schedule, unless such licence expires or is cancelled or withdrawn in accordance with subparagraph (3) of paragraph 1 of the Schedule.

(2) At the expiration or determination of such licence granted in accordance with subsection (1) above, the company nominated by the Minister under section 69 may be granted a licence under section 20 to provide international telecommunication service.

(3) The effective date of commencement of that licence shall be the day after the expiration or determination of the licence granted in accordance with subsection (1) above.

The Director of Telecommunications.
CAP. 4.

6. The Minister shall recommend the appointment of an officer as from the appointed day (in accordance with section 107 of the Constitution), to be known as the Director of Telecommunications (in this Act referred to as “the

Director”), for the purpose of performing the functions and discharging the duties assigned or transferred to him by or under this Act.

7. On and from the appointed day-
- (a) when the performance of certain functions and authority imposed on the B.T.A. shall cease under section 3 above, the performance of those functions and authority shall, by virtue of this section, stand transferred to and vest in the Director.
- (b) the Office of Frequency Management shall cease to exist and all its functions, property and authority shall by virtue of this section stand transferred to and vest in the Director.
8. The Director shall have an official seal for the authentication of instruments required for the purposes of his functions.
9. Anything authorised or required by or under this Act to be done by the Director may be done by any member of his staff authorised by him by a general or special order in that behalf.
10. The Director shall recommend to the Public Services Commission the appointment of such staff (in accordance with conditions of service as specified under Public Service Regulations and any other regulations governing the public service) as he may think fit and proper to perform his functions under this Act.
- 11.-(1) The Director may, subject to any existing licence, permit or consent granted under this Act, make by-laws relating to-
- (a) the inspection of telecommunication installations;
- (b) the protection of telecommunication installations;

General functions and authority of the Director.

Official seal.

Delegation of authority by Director.

Appointment of staff.

Authority to make by-laws. 26 of 1987.

- (c) the conditions under which telecommunication installations may be made;
- (d) fees to be charged for the provision of telecommunication service; and
- (e) all matters generally connected with the operation of telecommunication service which are not otherwise provided for.

(2) Any person who contravenes or fails to comply with any by-laws made under this section commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

Effect of by-laws.

12. By-laws made under section 11 shall not have force or effect until they have been approved by the Minister and published in the *Gazette*.

Delegation of powers and functions by Minister.

13.-(1) The Minister may, by Order published in the *Gazette*, delegate all or any of his powers and functions under this Act to the Director subject to such restrictions and limitations as may be specified in the Order-

- (a) to secure that there are provided throughout Belize, save in so far as the provision thereof is impracticable, such telecommunication services as satisfy all reasonable demands for them including, in particular, emergency services, public call box services, directory information services, maritime services and services in rural areas; and
- (b) without prejudice to the generality of paragraph (a) above, to secure that any person by whom any such service is to be provided is able to finance the provision of those services.

(2) Subject to subsection (1) above, the Director shall exercise the functions assigned to him by or under this Act in a manner which he considers

best calculated-

- (a) to protect the interest of consumers, purchasers and other users in Belize (including, in particular, those who are disabled) in respect of the prices charged for, and the quality and variety of, telecommunication apparatus supplied;
- (b) to promote research into the development and the use of new techniques by such persons engaged in commercial activities connected with telecommunications in Belize;
- (c) to promote the provision of international transit services by persons providing telecommunication services in Belize.

(3) In this section, “international transit services” means a telecommunication service for the conveyance of sounds, visual images or signals which have been conveyed from and are to be conveyed to places outside Belize.

14.-(1) It shall be the duty of the Director to keep under review the carrying on both within and outside Belize of activities connected with telecommunications.

Review of telecommunication activities.

(2) It shall also be the duty of the Director to collect information with respect to commercial activities connected with telecommunications carried on in Belize and the persons by whom they are carried on with a view to his becoming aware of, and ascertaining the circumstances relating to, the matters with respect to which his functions are exercisable.

15. The Director may arrange for the publication of all relevant information that may be considered expedient in protecting the interest of consumers.

Publication of information and advice.

16.-(1) It shall be the duty of the Director to consider any matter which-

Investigation of complaints.

- (a) relates to telecommunication services provided or telecommunication apparatus supplied in Belize; and

(b) is the subject of a representation (other than one appearing to the Director to be frivolous) made to the Director by or on behalf of a person appearing to the Director to have an interest in that matter.

(2) Where any matter considered by the Director is more than frivolous as under subsection (1)(b) above, the Director shall consult the Minister before exercising his functions with respect to that matter.

Power to require information.

17.-(1) The Director may, for any relevant purpose, in connection with telecommunication in Belize, by notice in writing signed by him-

(a) require any person to produce, at a time and place specified in the notice, to the Director or to any person appointed by him for the purpose, any documents which are specified or described in the notice and are in that person's custody or under his control; or

(b) require any person carrying on any business to furnish to the Director such estimates, returns or other information as may be specified or described in the notice, and specify the time, the manner and the form in which any such estimates, returns or information are to be furnished; but no person shall be compelled for such purpose to produce any documents which he could not be compelled to produce in civil proceedings before the court or in complying with any requirement for the furnishing of information, or to give any information which he could not be compelled to give in evidence in such proceedings.

(2) A person who refuses or, without reasonable excuse, fails to do anything duly required of him by a notice under subsection (1) above commits an offence and is liable on conviction to a fine not exceeding five thousand dollars.

(3) A person who-

- (a) intentionally alters, suppresses or destroys any document which he has been required by a notice under this section to produce; or
- (b) in furnishing any estimate, return or other information required of him under any such notice, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

commits an offence.

(4) A person who commits an offence under subsection (3) above shall be liable-

- (a) on summary conviction, to a fine not exceeding two thousand dollars;
- (b) on conviction on indictment, to a fine not exceeding five thousand dollars.

(5) If a person makes default in complying with a notice under subsection (1) the court may, on the application of the Director, make such order as the court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officer of a company or other association who is responsible for such default.

(6) In this section-

“the court” means the magistrate’s court;

“relevant purpose” means any purpose connected with the exercise of the Director’s functions under this Act.

Power to establish advisory bodies.

18. The Minister may, as soon as practicable after the appointed day, establish advisory bodies for matters affecting Belize in telecommunication matters; and each body so established shall consist of such members as the Minister may from time to time appoint.

(2) In establishing a body under subsection (1) above, the Minister shall have regard to the desirability of having members who have the expertise and knowledge of the particular area (including, in particular, the special requirements and circumstances of consumers, purchasers and other users in part of telecommunication services and telecommunication apparatus).

(3) It shall be the duty of an advisory body established under this section to advise the Minister on any matter-

- (a) in respect of which any of the Director’s functions is exercisable; and
- (b) which is referred to it by the Minister.

(4) The Minister may defray or contribute towards the expenses of an advisory body established under this section.

Annual and other reports.

19.-(1) The Director shall within three months after the end of each fiscal year, make a report to the Minister on the activities of the Director during that year.

(2) Every such report shall include a general survey of developments, during the year to which it relates, in respect of matters falling within the scope of the Director’s functions.

(3) The Minister shall lay a copy of every report made by the Director under subsection (1) above before the House of Representatives, and shall

arrange for every such report to be published in such manner as he may consider appropriate.

(4) The Director may also prepare such other reports as appear to him to be expedient with respect to such matters as are mentioned in subsection (2) above.

PART III

Licensing of Telecommunication Systems

20.-(1) A licence may be granted by the Minister, for the running of any such telecommunication system as is specified in the licence or is of a description so specified. Power to license systems.

(2) A licence granted under this section shall be in writing, stamped with the official seal of the Director, and, unless previously revoked in accordance with any term in that behalf contained in the licence, shall continue in force for such period as may be specified in or determined by or under the licence.

(3) A licence granted under this section may be granted either to all persons, to persons of a class or to a particular person.

(4) A licence granted under this section may authorise-

- (a) the connection to any telecommunication system to which the licence relates of-
 - (i) any other telecommunication system specified in the licence or of a description so specified; and
 - (ii) any apparatus so specified or of a description so specified; and

- (b) the provision by means of any telecommunication system to which the licence relates of any telecommunication services specified in the licence or of a description so specified.

(5) A licence granted under this section may include-

- (a) conditions requiring the rendering to the Minister of a payment on the grant of the licence or payments during the currency of the licence or both of such amount or amounts as may be determined by or under the licence; and
- (b) conditions requiring any person who is authorised by the licence to run a telecommunication system to furnish to the Director, in such manner and at such times as he may reasonably require, such documents, accounts, estimates, returns or other information as he may require for the purpose of exercising the functions assigned or transferred to him by or under this Act; and
- (c) such conditions (whether relating to the running of a telecommunication system to which the licence relates or otherwise) as appear to the Minister to be requisite or expedient having regard to section 7 above.

(6) Without prejudice to the generality of paragraph (a) of subsection (5) above, conditions included by virtue of that paragraph in a licence granted under this section to a particular person may require that person-

- (a) to comply with any direction given by the Director as to such matters as are specified in the licence or are of a description so specified;
- (b) except in so far as the Director consents to his doing or not doing them, not to do or do such things as are specified in the

licence or are of a description so specified; and

- (c) to refer for determination by the Director such questions arising under the licence as are specified in the licence or are of a description so specified.

(7) A licence granted under this section otherwise than to a particular person shall be published in such manner as may be considered appropriate for bringing it to the attention of the persons for whose benefit it will enure.

(8) Any sums received under this section shall be paid into the Consolidated Revenue Fund.

(9) Where a licence granted under this section to a particular person includes a provision requiring that person to run any telecommunication system to which the licence relates through the agency of some other person, that other person, as well as the first mentioned person, shall be taken for the purposes of this section and the following provisions of this Part to be authorised by the licence to run that system.

21.-(1) This section applies to any licence granted under section 20 to a particular person which includes conditions requiring that person-

Special provisions applicable to certain licences.

- (a) to provide such telecommunication services as are specified in the licence or are of a description so specified;
- (b) to connect to any telecommunication system to which the licence relates or permit the connection to any such system of, such other telecommunication systems and such apparatus as are specified in the licence or are of a description so specified;
- (c) to permit the provision by means of any telecommunication system to which the licence relates of such services as are specified in the licence or are of a description so specified;

- (d) not to show undue preference to, or to exercise undue discrimination against, particular persons or persons of any class or description (including, in particular, persons in rural areas) as respects any service provided, connection made or permission given in pursuance of such conditions as are mentioned in the foregoing paragraphs (whether in respect of the charges or other terms or conditions applied or otherwise); and
- (e) to publish, in such manner and at such times as are specified in the licence, a notice specifying, or specifying the method that is to be adopted for determining, the charges and other terms and conditions that are to be applicable to such services so provided, such connections so made and such permissions so given as are specified in the licence or are of a description so specified.

(2) Before granting a licence to which this section applies, the Minister shall give notice-

- (a) stating that he proposes to grant the licence and setting out its effect;
- (b) stating the reasons why he proposes to grant the licence; and
- (c) specifying the time (not being less than twenty-eight days from the date of publication of the notice) within which representations or objections with respect to the proposed licence may be made, and shall consider any representations or objections which are duly made and not withdrawn.

(3) A notice under subsection (2) above shall be given by publication in such manner as the Minister considers appropriate for bringing the matters to

which the notice relates to the attention of persons likely to be affected by them.

22.-(1) The Minister may by Order published in the *Gazette* designate as a public telecommunication system any telecommunication system the running of which is authorised by a licence to which section 20 above applies; and any reference in this Act to a public telecommunication system is a reference to a telecommunication system which is so designated and the running of which is so authorised.

Public
telecommunica-
tions systems.

(2) An Order under subsection (1) above shall not come into operation until after the end of the period of twenty-eight days beginning with-

- (a) the day on which copies of the Order, and of the licence to which section 20 above applies, are laid before each House of the National Assembly; or
- (b) if such copies are so laid on different days, the last of those days.

(3) In this Act, “public telecommunications operator” means a person authorised by a licence to which section 20 above applies to run a public telecommunication system.

(4) In any case where it appears to the Minister that it is expedient for transitional provision to be made in connection with a telecommunication system ceasing to be a public telecommunication system, or a person ceasing to be a public telecommunications operator, the Minister may make a scheme giving effect to such transitional provision as he thinks fit.

23.-(1) Where the Minister is satisfied that a person who is authorised by a licence granted under section 20 above to run a telecommunication system (in this Act referred to as a “telecommunications operator”) is contravening or has contravened, and is likely again to contravene, any of the conditions of his

Securing
compliance with
licence.

licence, the Minister may by Order make such provision as is requisite for the purpose of securing compliance with that condition.

(2) In determining the extent of the Order to be made, the Minister shall consider in particular the extent to which every person is likely to sustain loss or damage in consequence of anything which, in contravention of the relevant condition, is likely to be done, or omitted to be done.

(3) The Order made under subsection (1) above-

- (a) shall require the telecommunications operator (according to the circumstances of the case) to do, or not to do, such things as are specified in the Order;
- (b) shall take effect at such time, being not earlier than-
 - (i) twenty-eight days after notice of such an Order (stating the relevant conditions of the licence and the acts or omissions, which in the opinion of the Minister, constitute or would constitute the contravention of any of the provisions of the Act or the conditions of licence) has been served upon the licensee; or
 - (ii) such longer period as may be specified by or under that Order:

Provided that no such Order shall take effect, if before the expiry of the period specified in subsection (3) (b) above, the licensee has remedied the alleged contravention to the reasonable satisfaction of the Minister:

Provided further that no such Order shall take effect unless the Minister has given reasonable consideration to any representations or objections made to him by or on behalf of the licensee or any other affected person within the first twenty days of the period specified in subsection 3 (b) above; and

(c) may be revoked at any time by the Minister.

(4) In this section, “contravention”, in relation to any condition of a licence, includes any failure to comply with that condition and “contravene” shall be construed accordingly.

(5) Nothing in this section shall supersede the authority of the Minister to cancel a licence under section 31 below.

24.-(1) The Director shall keep a register of licences granted under section 20 above and any Orders at such premises and in such form as he may determine.

Register of
licences and
Orders.

(2) The Director shall cause to be entered in the register the provisions of-

(a) every licence granted under section 20 above and every modification or revocation of, and every direction or consent given or determination made under, such a licence; and

(b) every Order and every revocation of such an Order.

(3) The register shall be open to public inspection during such hours and subject to payment of such fee as may be prescribed by an Order made by the Minister and published in the *Gazette*.

(4) Any person may, on payment of such fee as may be prescribed by an Order so made, require the Director to supply to him a copy of or extract from any part of the register, certified by the Director to be a true copy or extract.

(5) Any sums received under this section shall be paid into the Consolidated Revenue Fund.

25.-(1) Where licences granted under section 20 above include provisions which are framed by reference to the carrying out of relevant operations by persons for the time being approved under this section, then, for the purposes

Approval of
contractors.

of those provisions, persons may be approved under this section in relation to such operations by the Minister.

(2) A person applying for an approval under this section may be required by the person to whom the application is made to comply with such requirements as the person to whom the application is made may think appropriate; and those requirements may include a requirement to satisfy some other person with respect to any matter.

(3) An approval under this section may apply either to a particular person or to persons of a description specified in the approval, and may so apply either in relation to particular relevant operations or in relation to relevant operations of a description so specified.

(4) An approval under this section may specify conditions which must be complied with if the approval is to apply, for any purposes specified in the approval, to any person who is so specified or is of the description so specified, and any such conditions may impose on the person to whom the approval is given a requirement from time to time to satisfy any person with respect to any matter.

(5) Nothing in this section shall preclude a person (not being the Minister or Director) by whom any matter is to be determined for the purposes of any requirement imposed in pursuance of subsection (2) or (4) above from charging any fee in respect of the carrying out of any test or other assessment made by him.

(6) Any power conferred by this section to give an approval includes power to vary or withdraw an approval given in exercise of that power.

(7) The Minister may, by Order published in the *Gazette*, provide for the charging of fees in respect of the exercise of any functions conferred by or under this section.

(8) Any sums received under this section shall be paid into the Consolidated Revenue Fund.

(9) In this section, “relevant operations” means the installation, maintenance, adjustment, repair, alteration, moving, removal or replacement of apparatus which is or is to be connected to any telecommunication system to which a licence under section 20 above relates.

26.-(1) The Director shall keep a register of approvals given under section 25 above at such premises and in such form as he may determine.

Register of approved contractors.

(2) The Director shall cause particulars of every such approval, and of every variation or withdrawal of such approval, to be entered in the register.

(3) Subsections (3) to (5) of section 24 above shall, as far as may be, apply for the purposes of this section.

27.-(1) Where licences granted under section 20 above include provisions which are framed by reference to apparatus for the time being approved under this section for connection to telecommunication systems to which the licences relate, then, for the purposes of those provisions, apparatus may be approved for connection to those systems by the Minister.

Approval, etc., of apparatus.

(2) A person applying for an approval under this section may be required by the person to whom the application is made to comply with such requirements as the person to whom the application is made may think appropriate; and those requirements may include a requirement to satisfy some other person with respect to any matter.

(3) An approval under this section may apply either to particular apparatus or to any apparatus of a description specified in the approval, and may so apply either for the purposes of a particular telecommunication system or for the purpose of any telecommunication system of a description so specified.

(4) An approval under this section may specify conditions which must be complied with if the approval is to apply, for any purposes specified in the approval, to any apparatus which is so specified or is of a description so specified; and any such condition may impose on the person to whom the approval is given a requirement from time to time to satisfy any person with respect to any matter.

26 of 1987.

(5) Nothing in this section shall preclude a person (not being the Minister) by whom any matter is to be determined for the purpose of any requirement imposed in pursuance of subsection (2) or subsection (4) above from charging a fee in respect of the carrying out of any test or other assessment made by him.

(6) Standards to which apparatus of a description specified in the designation must conform if it is to be approved for connection to a telecommunication system so specified or of a description so specified may be designated by the Minister; and a standard so designated may apply subject to such exceptions as may be determined by or under the designation.

(7) A designation under this section may specify conditions which must be complied with if any apparatus of a description specified in the designation is to be regarded, for any purposes so specified, as conforming to the standard to which the designation relates.

(8) Before designating a standard under this section, the Minister shall give notice-

- (a) stating that he proposes to make the designation and setting out its effect;
- (b) stating any conditions which he proposes to specify in the designation; and

- (c) specifying the time (not being less than twenty-eight days from the date of publication of the notice) within which representations or objections with respect to the proposed designation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(9) A notice under subsection (8) above shall be given by sending a copy of the notice to the person running the system and such other persons (if any) as the Minister considers appropriate.

(10) Any power conferred by this section to give an approval or designate a standard includes power to vary or withdraw an approval given or designation made in the exercise of that power.

(11) The Minister may, by Order published in the *Gazette*, provide for the charging of fees in respect of the exercise of any functions conferred by or under this section.

(12) Any sums received under this section shall be paid into the Consolidated Revenue Fund.

28.-(1) The Director shall keep a register of approvals given and designations made under section 27 above at such premises and in such form as he may determine.

Register of approved apparatus, etc.

(2) Subject to any direction given under subsection (3) below, the Director shall cause particulars of every such approval or designation, and of every variation or withdrawal of such an approval or designation, to be entered in the register.

(3) Subsections (3) to (5) of section 24 above shall, as far as may be, apply for the purposes of this section.

Approval, etc., of meters.

29.-(1) Where licences granted under section 20 above include provisions which are framed by reference to meters for the time being approved under this section for use in connection with telecommunication systems to which the licences relate, then, for the purposes of those provisions, meters may be approved for use in connection with those systems by the Minister.

(2) A person applying for an approval under this section may be required by the person to whom the application is made to comply with such requirement as the person to whom the application is made may think appropriate; and those requirements may include a requirement to satisfy some other person with respect to any matter.

(3) An approval under this section may apply either to a particular meter or to any meter of a description specified in the approval, and may so apply either for the purposes of a particular telecommunication system or for the purposes of any telecommunication system of a description so specified.

(4) An approval under this section may specify conditions which must be complied with if the approval is to apply, for any purpose specified in the approval, to any meter which is so specified in or is of a description so specified; and any such condition may impose on the person to whom the approval is given a requirement from time to time to satisfy any person with respect to any matter.

(5) Nothing in this section shall preclude a person (not being the Minister or the Director) by whom any matter is to be determined for the purposes of any requirement imposed in pursuance of subsection (2) or (4) above from charging any fee in respect of the carrying out of any test or other assessment made by him.

(6) Standards to which any meter of a description specified in the designation must conform if it is to be approved for use in connection with a telecommunication system so specified or of a description so specified may be

designated by the Minister; and a standard so designated may apply subject to such exceptions as may be determined by or under the designation.

(7) A designation under this section may specify conditions which must be complied with if any meter of a description specified in the designation is to be regarded, for any purposes so specified, as conforming to the standard to which the designation relates.

(8) A meter shall not be approved under this section for use in connection with any telecommunication system unless either-

- (a) the meter conforms to a standard designated under this section which applies to it for the purposes of that system; or
- (b) the Director is satisfied that if used in connection with that system in accordance with the approval, the meter would be sufficiently accurate and reliable.

(9) Before giving an approval under this section by virtue of subsection (8) (b) above or designating a standard under this section, the Minister shall give notice-

- (a) stating that he proposes to give the approval or make the designation and setting out its effect;
- (b) stating any conditions which he proposes to specify in the approval or designation; and
- (c) specifying the time (not being less than twenty-eight days from the date of publication of the notice) within which representations or objections with respect to the proposed approval or designation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(10) A notice under subsection (9) above shall be given by sending a copy of the notice-

- (a) in the case of an approval, to the person applying for the approval;
- (b) in the case of a designation, to the person running the system; and (in either case) to such other persons (if any) as the Minister considers appropriate.

(11) Any power conferred by this section to give an approval or designate a standard includes power to vary or withdraw an approval given or designation made in the exercise of that power.

(12) The Minister may, by Order published in the *Gazette*, provide for the charging of fees in respect of the exercise of any functions conferred by or under this section.

(13) Any sums received under this section shall be paid into the Consolidated Revenue Fund.

(14) In this section “meter” means any system or apparatus constructed or adapted for use in ascertaining the extent of telecommunication services provided by means of a telecommunication system.

Delegation of functions under sections 27 to 29.

30.-(1) The functions conferred on the Minister by sections 27 and 29 above (other than the powers to make Orders) shall be exercisable by any person appointed by the Minister for the purpose to such extent and subject to such conditions as may be specified in the appointment.

(2) Before appointing any person under this section, the Minister shall consult with the persons running the telecommunication systems concerned, or with such organisations as appear to the Minister to be representative of those persons.

31.-(1) Any licence, permit, permission or consent granted under this Act may, at any time, be cancelled or withdrawn by the Minister in accordance with any term in that behalf contained in that licence, permit, permission or consent: Cancellation of licence. 26 of 1987.

Provided that in the circumstances where the Minister may cancel or withdraw any licence, permit, permission or consent, he may suspend such licence, permit, permission or consent for a period not exceeding three months and may require the licensee or other affected person to show cause why such licence, permit, permission or consent should not be cancelled or withdrawn.

(2) Where any licence, permit, permission or consent granted under this Act is cancelled, withdrawn or suspended, no part of any fee or other sum paid in respect thereof shall be refunded.

32. Save as otherwise expressly provided, this Act does not bind the Government or apply to any telecommunication service or installation established or maintained by the Government or to any apparatus possessed or used by the Government for the purpose of or in connection with any such means of telecommunication. Application to the Government.

33. Nothing in this Act shall prevent the Government from establishing and maintaining any means of telecommunication to the exclusion of all other persons. Saving of Government rights.

PART IV

Control of Telecommunications

34.-(1) Save and in accordance with a licence granted by the Minister, no person shall in Belize or on board any ship or aircraft registered in Belize or through the use of Belize's radio frequency spectrum- Control within Belize and its territorial waters. 10 of 1993.

- (a) establish and maintain any means of telecommunication, telecommunication service or telecommunication system; or
- (b) possess any apparatus of any kind that generates and emits radio waves notwithstanding that the apparatus is not intended for radiocommunication; or
- (c) deal, in the course of trade or business, in apparatus or materials for radiocommunications or in any component part of any such apparatus or in apparatus of any kind that generates and emits radio waves whether or not the apparatus is intended, or capable of being used, for radiocommunication; or
- (d) demonstrate, with a view to sell in the course of trade or business, any apparatus or materials for radiocommunication.

(2) For the avoidance of doubts, it is hereby declared that the fact that the person from whom any telecommunication apparatus is loaned, leased or hired, or the person maintaining a means of telecommunication to which other telecommunication apparatus is connected, is the holder of a licence granted under this Act, does not exempt the person to whom the apparatus is loaned, leased or hired, or the person maintaining, possessing or using the apparatus forming part of, or connected with, such means of telecommunication, as the case may be, from the necessity of obtaining such licence as may be required under this Act.

Control of import and export of radio communication transmitting apparatus.

35. Save under and in accordance with a permit granted by the Director, no person shall import into Belize or export therefrom any apparatus or any component part of any apparatus for transmission of radio waves unless he is the holder of a licence authorising him to deal in the course of trade or business in such apparatus.

36.-(1) Save as otherwise provided in this section, no radiocommunication apparatus on board a vessel (other than a ship of war) shall be used while the vessel is in the territorial waters of Belize notwithstanding that a licence, whether granted under this Act or under the law of any other country, is in force in respect of such apparatus.

Control of radiocommunication apparatus on vessel in territorial waters of Belize.

(2) When a vessel is proceeding through the territorial waters of Belize, radiocommunication apparatus on board the vessel may be used to communicate on minimum power with the nearest coastal station, if any, or if communication with the Director or any nearest coastal station is impracticable and the safe navigation of the vessel so requires, with a more distant coastal station or another vessel.

(3) Radiocommunication apparatus on board a vessel that is in the territorial waters of Belize may be used, for the purpose of summoning assistance on an occasion of danger to the life of any person or to the vessel, to communicate with the Director, with the nearest coastal station, if any, or if communication with the Director or any nearest coastal station is impracticable, with a more distant coastal station or another vessel.

(4) Subject to the conditions of the licence issued in respect of the radiocommunication apparatus on board the vessel, communication may be made from a vessel in the territorial waters of Belize in the very high frequency mobile service.

(5) With the permission in writing of the Director, radiocommunication apparatus on board a vessel that is in the territorial waters of Belize may be used in the carrying out of experimental tests.

(6) The Director may permit the use, on such occasions or for such period as he may specify, of radiocommunication apparatus on board a vessel that is in the territorial waters of Belize.

Control of use of radiocommunication apparatus on aircraft in the country.

37.-(1) Save as otherwise provided in this section, no radiocommunication apparatus on board an aircraft shall be used while that aircraft is at any aerodrome in Belize, except for the purpose of air traffic control and air navigation, notwithstanding that a licence granted under this Act or the law of any other country, is in force in respect of such apparatus.

(2) With the permission in writing of the Director, radiocommunication apparatus on board an aircraft that is at any aerodrome in Belize may be used in carrying out experimental tests.

(3) The Director may permit the use, on such occasions and for such period as may be specified, of radiocommunication apparatus on board an aircraft that is at any aerodrome in Belize.

Interference to telecommunication when apparatus on board vessel or aircraft is used.

38. Where radiocommunication apparatus on board a vessel is used pursuant to subsection (4) of section 36 or with the permission of the Director under subsection (5) or subsection (6) of section 36 or radiocommunication apparatus on board an aircraft is used with the permission of the Director under subsection (2) or subsection (3) of section 37, no interference shall be caused to any other means of telecommunication within Belize.

Possession of telecommunication stations by the Government in emergencies.

39.-(1) Where an emergency has been declared in whole or in part in Belize, in which it is necessary and expedient in the public interest that the Government should have control over a telecommunication system, the Minister, by warrant under his hand, may direct or cause such telecommunication system as is specified in the warrant to be taken possession of and or to be used for the service of the Government, and subject thereto, for such ordinary service as may seem fit, or may direct and authorise such persons as he thinks fit to assume control of such telecommunication system and cause it to be used in such manner as he may direct in the warrant.

(2) Any such warrant issued under subsection (1) above shall be effective for a period not exceeding thirty days from the date of issue and shall be deemed to have expired on the cesser of the emergency. The Minister may,

where the emergency continues after thirty days, by a like warrant, extend the warrant for a further period not exceeding thirty days.

(3) The Government shall pay to the telecommunications operator, the owner of any telecommunications system(s) taken possession of under this section, as compensation for any loss of profit sustained by the operator by reason of the exercise of the powers conferred by this section, such sum as may be agreed between the Government and the telecommunications operator or, in the case that the parties cannot agree, or, failing such agreement by the parties, by arbitration by a fit and proper person to be agreed on by the parties, by arbitration in accordance with the provisions of the Arbitration Act.

CAP. 125.

40.-(1) Any person who contravenes subsection (1) of section 34 commits an offence and shall be liable on summary conviction therefor to a fine not exceeding twenty-five thousand dollars or imprisonment for a term not exceeding three years, or to both such fine and term of imprisonment.

Contravention of section 34 an offence. 10 of 1993.

(2) Any person who, directly or indirectly, aids, facilitates, encourages, counsels, procures, solicits or promotes in any manner whatever the commission of an offence under subsection (1) above commits an offence and shall be punishable in like manner as he would be punishable for committing that offence.

10 of 1993.

41. Any person who contravenes the provisions of section 35 commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and term of imprisonment.

Contravention of section 35 an offence.

42. In the event of a contravention of the provisions of subsection (1) of section 36 or subsection (1) of section 37 or section 38, the master of the vessel or the captain of the aircraft, as the case may be, or the person at whose direction the radiocommunication apparatus was used, commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

Penalty in event of contravention of sections 36, 37 and 38.

Offences by
Telecommunica-
tion officer, etc.

43. A telecommunication officer, or any person who, though not a telecommunication officer, has official duties in connection with a telecommunication service and who-

- (a) wilfully alters, destroys or secretes any message that he has received for transmission or delivery; or
- (b) forges any message or utters any message that he knows to be forged or altered; or
- (c) wilfully abstains from transmitting any messages or wilfully intercepts or detains or delays any message; or
- (d) otherwise than in pursuance of his duty or as directed by a court, copies any message or discloses any message or the purport of any message to any person (other than the person to whom the message is addressed),

commits an offence and shall be liable on summary conviction therefor to a fine not exceeding one thousand dollars and imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment.

Destruction, etc.,
of, messages by
persons other than
telecommunication
officers.

44. Any person, not being a telecommunication officer or a person who, though not a telecommunication officer, has official duties in connection with a telecommunication service, who-

- (a) wilfully destroys, secretes, details or delays a message intended for delivery to some other person; or
- (b) having been required by a telecommunication officer to deliver up to him a message in possession of that person and intended for delivery to some other person, refuses or neglects to do so,

commits an offence and shall be liable on summary conviction to a fine not exceeding eight hundred dollars or to imprisonment for a term not exceeding nine months, or to both such fine and term of imprisonment.

45.-(1) A person who dishonestly obtains a service provided by means of a licensed telecommunication system with intent to avoid payment of any charge applicable to the provision of that service commits an offence and is liable-

Fraudulent use of telecommunication systems.

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred dollars, or to both such fine and term of imprisonment;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both such fine and term of imprisonment.

(2) A telecommunication officer who, with intent to defraud, transmits or causes to be transmitted by telecommunication a message, in respect of which the charge prescribed by or under this Act has not been paid, commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred dollars.

(3) In this section, “licensed telecommunication system” means a telecommunication system the running of which is authorised by a licence granted under section 20 above.

46.-(1) A person who-

- (a) sends, by means of a public telecommunication system, a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or
- (b) sends by those means, for the purpose of causing annoyance, inconvenience or needless anxiety to another, a

Improper use of public telecommunication system.

message that he knows to be false, or persistently makes use for that purpose of a public telecommunication system,

commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment.

(2) Any person who transmits, or causes to be transmitted, by telecommunication a message that he knows to be false commits an offence and shall be liable on summary conviction therefor to a fine of one thousand dollars and to imprisonment for a term not exceeding twelve months.

Damage to telecommunication apparatus, etc.

47.-(1) Any person who-

- (a) maliciously cuts or damages any telecommunication apparatus with intent to cut off or interrupt any telecommunication or to intercept or discover the contents of a message; or
- (b) otherwise maliciously causes any interruption of any telecommunication; or
- (c) incites another person to do so,

commits a misdemeanour and, on conviction on indictment, shall be liable to imprisonment for a term not exceeding two years.

(2) Nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provision of this Act, or under any other law or Act:

Provided that no person shall be punished twice for the same offence.

Entry on certain land without permission.

48. Any person who, without lawful authority or excuse, enters or remains on any land in the occupation of a telecommunications operator or of a

person who provides a telecommunication service commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

49. Any person who wilfully obstructs, resists or in any way interferes with, or who assists any other person obstructing, resisting or in any way interfering with, any officer or employee of the telecommunications operator, acting under the provisions of this Act or by-laws or regulations made thereunder, commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Assault on persons engaged in the business of a telecommunications operator.

50. Any person who wilfully or negligently damages or permits to be damaged any telecommunication installation, or fraudulently alters the index of any meter for ascertaining the number or duration of calls, or prevents any meter from duly registering the fee, or commits any act which is prejudicial to the operation of telecommunications in accordance with this Act, commits an offence, and on summary conviction shall be liable to a fine not exceeding two hundred dollars, or imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Penalties in respect of other wrongful acts.

51.-(1) A police officer accompanied by an officer authorised by the Director so to do, may-

Powers to search, arrest, seize, etc.

- (a) arrest any person whom they reasonably suspect of being guilty of an offence under this Act;
- (b) subject to subsection (2) of this section, enter and search any place, or board and search any vessel, other than a ship of war, or any aircraft, other than a military aircraft, or stop and search any vehicle, other than a military vehicle, in which they reasonably suspect that there is anything liable to seizure under paragraph (c);

- (c) seize, remove and detain-
 - (i) anything in respect of which they reasonably suspect that an offence has been committed under this Act;
 - (ii) anything that appears to them to be or to be likely to be, or to contain, evidence of an offence under this Act;
- (d) enter and inspect the premises at or from which any person manufactures, sells or otherwise deals in apparatus that may be used for telecommunication and require the production to them of any books or documents relating to such apparatus.

(2) Where a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that there is on any premises used for dwelling purposes anything that is liable to seizure under paragraph (c) of subsection (1), he may issue a warrant authorising such premises to be entered and searched; and no premises used for dwelling purposes shall be entered and searched under this Act except pursuant to a warrant issued under this subsection.

(3) Any police officer in the presence of an officer authorised by the Director may-

- (a) break open any outer or inner door of any place that they are empowered or authorised by or under this Act to enter and search;
- (b) forcibly board any vessel, aircraft or vehicle that they are empowered by this Act to board and search;
- (c) remove by force any person or thing obstructing any arrest, detention, search, inspection, seizure or removal that they

are empowered by this Act to make;

- (d) detain any person found in any place that they are empowered or authorised by or under this Act to search until such place has been searched;
- (e) detain any vessel or aircraft that they are empowered or authorised by or under this Act to search until such vessel or aircraft has been searched; or
- (f) detain any vehicle that they are empowered by this Act to search until it has been searched.

52. A court of summary jurisdiction may, upon application by or on behalf of the Director or by a police officer not below the rank of Assistant Inspector, order that any apparatus in respect of which there has been a contravention or attempted contravention of the provisions of this Act shall be forfeited to the Government whether or not proceedings have been taken against any person in respect of such contravention or attempted contravention. Forfeiture.

53. Any proceedings instituted by the Director under the provisions of this Act shall be taken in the name of the Government and at the instance of such officer of the Office of the Director as may be designated in this behalf by the Director in writing. Proceedings by the Director.

54.-(1) In the exercise of his powers given under this Act, the Director shall cause as little detriment and inconvenience to other persons, and do as little damage as possible, and shall make compensation to all persons interested for all damage sustained by them by reason of or in consequence of the exercise of such powers. How powers of the Director are to be exercised.

(2) Where the parties cannot agree on the matter of whether or not the Director should pay compensation or as to the amount of compensation to be paid, then the matter shall be determined by a fit and proper person as arbiter,

CAP. 125. to be agreed to by the parties, or failing such agreement, by arbitration in accordance with the provisions of the Arbitration Act.

PART V

Acquisition, etc., of Land by a Telecommunications Operator

Power to acquire and dispose of property. 55.-(1) Subject to the provisions of this Act, a telecommunications operator may acquire, hold, mortgage and dispose of any property real or personal.

(2) If a telecommunications operator is unable to acquire by agreement and upon reasonable terms any land which it considers necessary to acquire for the purposes of this Act, the telecommunications operator shall report the fact to the Director and, if the telecommunications operator so requests, the Director may, if he thinks fit, take such steps as may seem requisite towards the compulsory acquisition of such land under the provisions of the Land Acquisition (Public Purposes) Act, or any Act in amendment or substitution of that Act.

CAP. 184.

Power to cross rivers, etc. 56. The telecommunications operator may convey any telecommunication apparatus over, through or below any river, stream, or watercourse in Belize and do anything necessary for the purpose:

Provided that nothing in this section shall authorise the telecommunications operator to do anything which may permanently interfere with navigation upon any such water.

Power to break up streets. 57. A telecommunications operator may from time to time open and break up any street and place and maintain telecommunication apparatus, such posts, poles, pillars and other works as may be necessary in, over and upon such street, subject to the following conditions-

(a) the telecommunications operator shall give reasonable notice to the local authority of its intention so to do, specifying the portion of the street proposed to be opened and broken up;

- (b) the telecommunications operator shall cause a light sufficient for the warning of passengers to be set up and maintained at night on the portion of the street so opened and broken up until the street has been reinstated and made good to the satisfaction of the local authority;
- (c) during such time as the street shall be opened and broken up, the telecommunications operator shall provide, to the satisfaction of the local authority, reasonable facilities for the passage of ordinary vehicular and pedestrian traffic on the street;
- (d) the telecommunications operator shall pay the costs of reinstating and making good the street to the satisfaction of the local authority;
- (e) the telecommunications operator shall not place any telecommunication apparatus, post, pole, pillar or other works in any position objected to by the local authority and, in the event of any such objection, the telecommunications operator shall refer the matter to the Minister whose decision thereon shall be final.

58.-(1) The telecommunications operator may place and maintain telecommunication apparatus and such posts, poles, pillars and other works as may be necessary in, over and upon any land subject to-

Power to place and maintain telecommunication apparatus, etc., on land.

- (a) in the case of Government land, the consent in writing of the Lands Commissioner or an officer of the Lands Department appointed by him for the purposes of this section;
- (b) in the case of any other land, giving reasonable notice in that behalf to the owner or occupier thereof.

(2) In the exercise of the powers given by this section, the telecommunications operator shall not be deemed to acquire any right other than that of user only in or over the soil of any enclosed and other land whatsoever in, over or upon which it places any of its works; and should any of the works so carried on, over or upon any such land, become a nuisance or cause of loss to the owner of such land, the telecommunications operator shall at its own expense remove or alter such work or shall give such reasonable compensation as is provided under subsection (3) of this section.

(3) In the exercise of the powers given by this section, the telecommunications operator shall do as little damage as possible and full compensation shall be paid by the telecommunications operator to any owner or occupier, or other person having a lawful interest in the land, who suffers damage as a result of the exercise of those powers:

Provided that no compensation shall be payable in respect of any right of user acquired under subsection (2) of this section.

(4) So far as may be necessary for the due exercise of the powers conferred by subsection (1), the telecommunications operator may alter the position of any pipe or other line, or of any wire, other than an electric or water main, if-

- (a) reasonable notice has been given to the owner of the pipe or other line or wire or the person in control thereof; and
- (b) in the case of any pipe or other line, or wire, in or over or upon Government land, the consent in writing of the Lands Commissioner, or an officer of the Lands Department appointed by him for the purposes of this section, has been obtained.

59. Where any dispute arises as to-
- Disputes as to compensation.
- (a) whether any compensation is payable under subsection (2) or (3) of section 58;
- (b) the amount of any such compensation; or
- (c) the person to whom it is payable,

the dispute shall be referred for determination by a fit and proper person as arbitrator to be agreed upon by the parties, or failing such agreement by the parties, by arbitration in accordance with the provisions of the Arbitration Act. CAP. 125.

60.-(1) Where any person desires to use land in a way that makes it necessary to remove to another part of the land telecommunication apparatus, post, pole, pillar or other work maintained by the telecommunications operator in, over or upon the land under section 58 or alter such telecommunication line or post, pole, pillar or other work in anyway, he may by notice in writing served on the telecommunications operator, require the removal or alteration of the telecommunication apparatus, post, pole, pillar or other work. Removal, etc., of line or posts, where necessary to use land.

(2) Any expenses incurred by the telecommunications operator in complying with a requirement under subsection (1) may be recovered from the person who made the requirement.

61.-(1) If a tree standing or lying near telecommunication apparatus interrupts, or is likely to interrupt, telecommunication, a court of summary jurisdiction may, upon application by the telecommunications operator, order the tree to be removed or otherwise dealt with in such way as to prevent the interruption, or likelihood of interruption, of telecommunication and, if the tree was in existence at the time the telecommunication line was placed in, over or upon the land, may order the telecommunications operator to pay to the owner of the tree such sum by way of compensation as the court thinks reasonable. Trees interrupting telecommunication apparatus.

(2) Any order of a court of summary jurisdiction in proceedings under subsection (1) of this section shall be final.

Work affecting telecommunication apparatus.

62.-(1) Any person who proposes to carry out on any land any work that may affect telecommunication apparatus maintained by the telecommunications operator in, over or upon or near the land shall obtain the previous permission in writing of the telecommunications operator so to do.

(2) All reasonable precautions shall be taken in the carrying out of such work to prevent damages to any telecommunication apparatus in, over, upon or near the land, and the telecommunications operator may recover from the person on whose behalf the work is carried out any expenses incurred in making good any damage to telecommunication apparatus caused by a failure to take such precaution.

(3) In any proceedings under subsection (2) of this section, it shall be presumed, until the contrary is proved, that the work was carried out on behalf of the owner of the land.

Power to enter on land.

63. The telecommunications operator may enter upon any land at all reasonable times and where practicable after giving reasonable notice to the owner or occupier thereof and may remain thereon as long as may be necessary for the purpose of inspecting, repairing, removing or altering any telecommunication apparatus, post, pillar or other work maintained by the telecommunications operator in, over and upon such land, or for the purpose of effectually doing anything as may be reasonably necessary for investigation or incidental to the exercise of any power or the performance of any duty of the telecommunications operator or for carrying into effect any of the provisions of this Act.

Abandonment of apparatus.

64. Without prejudice to the preceding provisions of this Act, where the telecommunications operator has a right conferred by or under this Act to keep telecommunication apparatus installed in, under or over any land, he is not entitled to keep that apparatus so installed if, at a time when the apparatus

is not, or is no longer, used for the purposes of the telecommunications operator's system, there is no reasonable likelihood that it will be so used.

65.-(1) Any notice required to be given by the telecommunications operator to any person for the purpose of any provision of this Act must be in a form approved by the Director and considered adequate for indicating to that person-

Serving of notices.

- (a) the effect of the notice;
- (b) such provision of this Act as is relevant to the notice; and
- (c) the steps to be taken by that person.

(2) Any notice required to be given to any person for the purposes of any provision of this Act may be given to him either by delivering it to him or by leaving it at his proper address or by post, but a notice shall not be given by post unless it is sent by registered letter or by the recorded delivery service.

(3) Any notice required to be given under this Act may be given to an incorporated company or body by giving it to the secretary or clerk of the company or body.

(4) For the purposes of this section, the proper address of a person for service by post shall be:-

- (a) if the person to whom the notice is to be given has furnished the person giving the notice with an address for service under this Act, that address;
- (b) in a case not falling under paragraph (a) above where the person to whom the notice is to be given is an incorporated company or body, the registered or principal office of the company or body; and

- (c) in any other case, the last known address of the person to whom the notice is to be given.

(5) If it is not practicable, for the purposes of giving any notice under this Act, after reasonable inquiries to ascertain the name and address-

- (a) of the person who is for the purposes of any provision of this Act the occupier of any land; or
- (b) of the owner of any interest in any land,

a notice may be given under this Act by addressing it to a person by the description of “occupier” of the land (describing it) or, as the case may be, “owner” of the interest (describing both the interest and the land) and by delivering it to some person on the land or, if there is no person on the land to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous object on the land.

(6) In any proceedings under this Act, a certificate purporting to be signed by the Director and stating that a particular form of notice has been approved by him as mentioned in subsection (1) above shall be conclusive evidence of the matter certified.

Savings and
exclusions of
certain remedies,
etc.

66.-(1) Except as provided under the preceding provisions of this Act, the telecommunications operator shall not be liable to compensate any person for, or be subject to any other liability in respect of, any loss or damage caused by the lawful exercise of any right conferred on him by or under this Act.

(2) The ownership of any property shall not be affected by the fact that it is installed in, or under, or affixed to, any land by any person in exercise of a right conferred by or under this Act.

67.-(1) Subject to the provisions of this section, references in this Act to the telecommunications apparatus installed in, under or over any land include references to the telecommunications apparatus so installed before this Act comes into force.

Application of Act to existing telecommunication systems.

(2) Without prejudice to subsection (1) above, any line or other apparatus lawfully installed before this Act comes into force which, if this Act had come into force could have been installed under section 58 of this Act shall (subject to subsection (6)), be treated for the purposes of this Act as if it had been so installed before this Act came into force.

(3) Any consent given (or deemed to have been given) for the purpose of any provision of the B.T.A. Ordinance before this Act comes into force shall-

22 of 1972.

- (a) have effect after this Act comes into force as an agreement given for the purposes of this Act; and
- (b) so have effect, to any extent that is necessary for ensuring that the same persons are bound under this Act as they were bound by the consent, as if it were an agreement to confer a right or, as the case may require, to bind any interest in land of the person who gave (or is deemed to have given) the consent.

(4) Where by virtue of subsection (3) above any person is bound by any right, that right shall not be exercisable except on the same terms and subject to the same conditions as the right which, by virtue of the giving of the consent, was exercisable before this Act comes into force; and where under any enactment repealed by this Act those terms and conditions included a requirement for the payment of compensation or required the determination of any matter by any court or person, the amount of the compensation or, as the case may be, that matter shall be determined after the coming into force of this Act in like manner as if this Act had not been passed.

(5) A person shall not be entitled to compensation under any provision of this Act if he is entitled to compensation in respect of the same matter by virtue of subsection (4) above.

22 of 1972.

(6) Neither this Act nor the repeal by this Act of any provision of the B.T.A. Ordinance (which contains provisions confirming or continuing in force certain agreements) shall prejudice any rights or liabilities (including any rights or liabilities transferred by virtue of section 68 of this Act) which arise at any time under any agreement which was entered into before this Act comes into force and relates to the installation, maintenance, adjustment, repair, alteration or inspection of any telecommunication apparatus or to keeping any such apparatus installed on, under or over any land.

PART VI

Transfer of Undertaking of Belize Telecommunication Authority (B.T.A.)

Verifying of Property, etc., of Belize Telecommunication Authority in a Company Recommended by the Minister

Vesting of
property, etc., of
B.T.A. in the
successor
company.
22 of 1987.

68.-(1) On such day as the Minister of Finance may, by Order, appoint for the purposes of this Act (in this Act referred to as the “vesting day”), there shall vest in the successor company-

- (a) the whole of the undertaking of the B.T.A. together with all lands, buildings, exchanges, telecommunication installations and all other materials, appliances, equipment and apparatus used for, by or in connection with the said undertaking and being owned by the B.T.A.;
- (b) all interests, rights, easements, assets and liabilities, which immediately before the vesting day were enjoyed or borne by the B.T.A., or on its behalf, by its agents, in connection with

or in relation to the said undertaking or operation thereof;

- (c) the right to recover monies due and payable to the B.T.A. or its agents in respect of value given or anything done by the B.T.A. or its agents in connection with the operation of the said undertaking.

(2) As from the vesting day, the benefits and burdens of any contract made in respect of the aforesaid undertaking for the provision of telecommunication service to which the B.T.A. or its agents on its behalf is a party, and which was in force immediately before the vesting day, shall be deemed to have been transferred to the successor company.

(3) Without prejudice to the generality of the foregoing provisions of this section, where by the operation of any of the said provisions, any right or liability vests in the successor company, the said company and all other persons shall have the same rights, powers and remedies (and in particular the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the successor company and any applications to any authority pending on the vesting day by or against the B.T.A. or its agents, in so far as they relate to any property, right, liability or obligation vested in the successor company by this Act or to any contract which has effect in accordance with subsection (2) of this section, or any agreement applied to the B.T.A. by or under this Act, shall be continued by or against the company.

69.-(1) As soon as the Minister of Finance is satisfied after consulting the B.T.A. that nothing remains to be done by the B.T.A. under the Schedule to this Act, the Minister of Finance may by Order, on the vesting day-

Dissolution of B.T.A. and nomination of successor company. Schedule.

- (a) dissolve the B.T.A.;

CAP. 250. (b) nominate as the successor company a company formed and registered under the Companies Act, provided that on the vesting day such successor company is a company limited by shares and such shares are wholly owned by the Belize Telecommunications Ltd.

22 of 1972. (2) On the vesting day, the Belize Telecommunication Authority Ordinance shall stand repealed.

Initial Government holding in the successor company. 26 of 1987. 70.-(1) As a consequence of the vesting in the successor company by virtue of section 68 above of the property, rights and liabilities of the B.T.A., the successor company shall issue such securities of the company as the Minister of Finance may from time to time to direct-

(a) to the Financial Secretary; or

(b) to any person entitled to require the issue of the securities following their initial allotment to the Financial Secretary.

(2) The Minister of Finance shall not give a direction under subsection (1) above at any time after the successor company has ceased to be wholly owned by the Government of Belize.

(3) Securities required to be issued in pursuance of this section shall be issued or allotted at such time or times and on such terms (as to allotment) as the Minister of Finance may direct.

(4) Shares issued in pursuance of this section-

(a) shall be of such nominal value as the Minister of Finance may direct; and

(b) shall be issued as fully paid and treated as if they had been paid by virtue of the payment to the successor company of

their nominal value in cash.

(5) The Financial Secretary may not dispose of any securities issued or of any rights to securities initially allotted to him in pursuance of this section, without the consent of the Minister of Finance.

(6) Any dividends or other sums received by the Financial Secretary in right of or on the disposal of any securities or rights acquired by virtue of this section shall be paid into the Consolidated Revenue Fund.

(7) Stamp duty shall not be chargeable in respect of any increase in the capital of the successor company which is effected by the issue of shares allotted at a time when the successor company was wholly owned by the Government and is certified by the Minister of Finance as having been-

- (a) effected for the purpose of complying with the requirements of this section; or
- (b) where any convertible securities were issued in pursuance of this section, effected in consequence of the exercise of the conversion rights attached to those securities.

71.-(1) The Financial Secretary may at any time, with the consent of the Minister of Finance, acquire-

- (a) securities of the successor company, or of any subsidiary of the successor company; or
- (b) rights to subscribe for any such securities.

Government investment in securities of the successor company. 26 of 1987.

(2) The Financial Secretary may not dispose of any securities or rights acquired under this section without the consent of the Minister of Finance.

(3) Any expenses incurred by the Financial Secretary in consequence of the provisions of this section shall be paid out of money provided by the Ministry of Finance.

(4) Any dividends or other sums received by the Financial Secretary in right of, or on the disposal of, any securities or rights acquired under this section shall be paid into the Consolidated Revenue Fund.

(5) Stamp duty shall not be chargeable in respect of any increase in the capital of the successor company which-

- (a) is effected by the issue of shares allotted at a time when the successor company was wholly owned by the Government; and
- (b) is certified by the Minister of Finance as having been effected by the issue of shares subscribed for by the Financial Secretary under subsection (1) (a) above.

Exercise of
Financial
Secretary's
functions through
nominees.
26 of 1987.

72.-(1) The Financial Secretary may, with the consent of the Minister of Finance, appoint such person or persons as he thinks fit to act as his nominees for the purposes of sections 70 and 71 above; and-

- (a) securities of the successor company may be issued under section 70 above to any nominee of the Financial Secretary appointed for the purposes of that section or to any person entitled to require the issue of the securities following their initial allotment to any such nominee; and
- (b) any such nominee appointed for the purposes of section 70 above may acquire securities or rights in accordance with that section and in accordance with directions given from time to time by the Financial Secretary with the consent of the Minister of Finance.

(2) Any person holding any securities or rights as a nominee of the Financial Secretary by virtue of subsection (1) above shall hold and deal with them (or any of them) on such terms and in such manner as the Financial Secretary may direct with the consent of the Minister of Finance.

73.-(1) As soon as the successor company ceases to be wholly owned by the Government, the Minister of Finance shall by Order fix a target investment limit in relation to the shares for the time being held in that company by the Financial Secretary or his nominee by virtue of any provision of this Part (in this section referred to as “the Government shareholding”).

Target investment limit for Government shareholding. 26 of 1987.

(2) The target investment limit shall be expressed as a proportion of the voting rights which are exercisable in all circumstances at general meetings of the successor company (in this section referred to as “the ordinary voting rights”).

(3) The first target investment limit fixed under this section shall be equal to the proportion of the ordinary voting rights which is carried by the Government shareholding at the time when the Order fixing the limit is made.

(4) The Minister of Finance may from time to time by Order fix a new target investment limit in place of the one previously in force under this section but-

- (a) any new limit must be lower than the one it replaces; and
- (b) an Order under this section may only be revoked by an Order fixing a new limit.

(5) It shall be the duty of the Financial Secretary so to exercise-

- (a) his power under section 71 above and his power to dispose of any shares held by him by virtue of any provision of this Part; and

(b) his power to give directions to his nominees,

as to secure that the Government shareholding does not carry a proportion of the ordinary voting rights exceeding any target investment limit for the time being in force under this section.

(6) Notwithstanding subsection (5) above, the Financial Secretary may take up, or direct any nominee of his to take up, any rights for the time being available to him, or to that nominee as an existing holder of shares or other securities of the successor company or of any subsidiary of the successor company; but if as a result the ordinary voting rights carried by the Government shareholding at any time exceeds the target investment limit, it shall be the duty of the Financial Secretary to comply with subsection (5) as soon after that time as is reasonably practicable.

(7) For the purposes of this section, the temporary suspension of any of the ordinary voting rights shall be disregarded.

Financial structure
of the successor
company.
26 of 1987.

74.-(1) If the Minister of Finance so directs at any time before the successor company ceases to be wholly owned by the Government, such sum, not exceeding the accumulated realised profits of the B.T.A. as may be specified in the direction, shall be carried by the successor company to a reserve (in this section referred to as “the general reserve”).

(2) The general reserve may only be applied by the successor company in paying up unissued shares of the company to be allotted to members of the company as fully paid bonus shares.

(3) Notwithstanding subsection (2) above, the general reserve shall not count as an undistributable reserve of the successor company but for the purpose of determining whether the successor company may make a distribution at any time any amount for the time being standing to the credit of the general reserve shall be treated as if it were unrealised profits of the company.

- (4) (a) For the purposes of any statutory accounts of the successor company, the amount to be included in respect of any item shall be determined as if anything done by the B.T.A. (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise) had been done by the successor company.
- (b) Accordingly (but without prejudice to the generality of the preceding provision) the amount to be included in any reserves of the successor company as representing its accumulated realised profits shall be determined as if any profits realised and retained by the B.T.A. had been realised and retained by the successor company.

PART VII

Miscellaneous and Supplemental

Miscellaneous

75.-(1) The Minister may, after consultation with a person to whom this section applies, give to that person such directions of a general character as appear to the Minister to be requisite or expedient in the interests of national security or relations with the government of a country or territory outside Belize.

Directions in the interests of national security, etc.

(2) If it appears to the Minister to be requisite or expedient to do so in the interest of national security or relations with the government of a country or territory outside Belize he may, after consultation with a person to whom this section applies, give that person a direction requiring him (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction.

(3) A person to whom this section applies shall give effect to any direction given to him by the Minister under this section notwithstanding any other duty imposed on him by or under this Act.

(4) The Minister shall lay before each House of the National Assembly a copy of every direction given under this section unless he is of the opinion that disclosure of the direction is against the interests of national security or relations with the government of a country or territory outside Belize, or the commercial interests of any person.

(5) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, anything done by virtue of this section, if the Minister has notified him that the Minister is of the opinion that disclosure of that thing is against the interests of national security or relations with the government of a country or territory outside Belize, or the commercial interests of some other person.

(6) The Minister may make grants to public telecommunications operators for the purpose of defraying or contributing towards any losses they may sustain by reason of compliance with the directions given under this section.

(7) There shall be paid out of monies provided by the National Assembly any sums required by the Minister for making grants under this section.

(8) This section applies to the Director and to any person who is a public telecommunications operator or approved contractor (whether in his capacity as such or otherwise); and in this subsection “approved contractor” means a person approved under section 25 above.

Contributions by local authorities towards provision of telecommunication services.

76.-(1) Where a local authority considers that it would be for the benefit of the whole or any part of its area that-

- (a) any additional telecommunication service should be provided;
or

- (b) any existing telecommunication service should continue to be provided by a telecommunications operator,

the authority shall undertake to pay to the telecommunications operator any loss he may sustain by reason of the provision or continued provision of those facilities.

(2) In this section, “local authority” means a City Council, Town Council, or Village Council.

77.-(1) The Minister may by regulations provide for-

Power to make regulations.

- (a) the control and conduct of means of telecommunication;
- (b) the operation and use of apparatus for telecommunication or apparatus that generates and emits radio waves;
- (c) the prohibition and control of electrical or radiated interference with the working of apparatus for telecommunication;
- (d) the conditions and restrictions subject to which messages may be transmitted or received;
- (e) the period for which, and the conditions subject to which, messages and other documents connected with telecommunication service shall be preserved;
- (f) fees for searching for messages and other documents connected with a telecommunication service;
- (g) the licences and permits that may be granted by the Director, their form, and fees payable for the grant or renewal of any such licences and permits;

(h) the examination of persons in connection with the operation of apparatus for radiocommunication and the grant and endorsement of certificates of competency in the operation of such apparatus and the fees payable in respect of any such examination;

(i) the issue of certificates in radiocommunication and authority to operate authorising any person to hold any position in any radiocommunication station and the cancellation or suspension of any such authority.

(2) Regulations made under this section may provide that contravention of specified provisions of such regulations shall be an offence and may provide penalties therefor:

Provided that no penalty so provided shall exceed a fine of one hundred dollars or imprisonment for one month.

(3) Regulations made under paragraph (c) of subsection (1) above may-

(a) constitute the Director as the sole authority for the making of tests and the taking of measurements in respect of electrical or radiated interference;

(b) confer upon the Director the power to determine the measuring apparatus to be used, the method by which and the conditions under which tests are to be made and the method to be used in computing the amount of any such interference from readings afforded by the measuring apparatus;

(c) in respect of any specified class or classes of apparatus, confer upon the Director, with or without restriction, the power to fix, in such manner as may be specified in the regulations, the limits of any such interference at any frequency or within

any frequency range whether in substitution for or by way of amendment of limits, frequencies or frequency ranges specified in any regulations made under this section or otherwise; and

- (d) provide for the issue by a justice of the peace of warrants empowering the Director, or any police officer, to enter and search any premises, vessel, aircraft or vehicle and to examine and test any apparatus found thereon or therein in any case where access to such premises, vessel, aircraft or vehicle to examine and test any such apparatus has been demanded, or permission to examine or test any such apparatus has been requested, but in either case has been unreasonably refused.

Supplemental

78.-(1) Subject to the following provisions of this section, no information with respect to any particular business which-

General
restrictions on
disclosure of
information.

- (a) has been obtained under or by virtue of the provisions of this Act; and
- (b) relates to the private affairs of any individual or to any particular business,

shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.

(2) Subsection (1) above does not apply to any disclosure of information which is made-

- (a) for the purpose of facilitating the performance of any functions assigned or transferred to the Minister or the Director by or under this Act;

- (b) for the purpose of facilitating the performance of any functions of any Minister;
- (c) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
- (d) for the purpose of any civil proceedings brought under or by virtue of this Act.

(3) Nothing in subsection (1) above shall be construed-

- (a) as limiting the matters which may be published under section 15 above or may be included in, or made public as part of, a report of the Director under this Act; or
- (b) as applying to any information which has been so published or has been made public as part of such a report.

(4) Any person who discloses any information in contravention of this section commits an offence and is liable:-

- (a) on summary conviction, to a fine not exceeding one thousand dollars;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both such fine and term of imprisonment.

Offences by companies.

79.-(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of, the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

(3) For the purposes of this section-

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

80. Proceedings for an offence under this Act which is punishable on summary conviction may be commenced at any time within twelve months next after the commission of the offence, and not thereafter. Summary proceedings.

81.-(1) Any power of the Minister to make an Order or a scheme under this Act shall be exercisable by statutory instrument subject, except in the case of an Order under sections 3, 68, 69 or paragraph 1 of the Schedule, to annulment in pursuance of a resolution of the National Assembly. Orders and schemes.
Schedule.

(2) Any Order or scheme under this Act may make different provisions with respect to different cases or descriptions of each case.

82. There shall be paid out of such monies as may be provided by the National Assembly all administrative expenses incurred by the Minister in the Financial provisions.

performance of his functions under this Act.

Charges for provision of telecommunication services.

83.-(1) A telecommunications operator may charge subscribers to, or users of, its services such fees for installation, rental, calls, removals, telegrams, and all other matters chargeable in connection with those services:

Provided that such fees therefor which were in force immediately before the commencement of this Act shall continue to be levied until replaced by fees prescribed under this section.

(2) Upon approval, such fees shall forthwith be published in the news media at least one month prior to implementation.

Commencement and extent.

84.-(1) The following provisions of this Act shall come into force on the “appointed day”-

- (a) Parts I to V;
- (b) sections 70 to 72;
- (c) sections 74 to 76.

(2) The following provisions of this Act shall come into force on the “vesting day”-

- (a) Part VI;
- (b) Part II of the Schedule.

Schedule.

(3) Subject to subsections (1) and (2), the remaining provisions of this Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*, and different days may for this purpose be so appointed for different provisions of this Act.

SCHEDULE

[Sections 5 (1), 69 (1), 81 (1) and 84 (1)]

Transitional Provisions and Savings

PART I

*Provisions and Savings Coming Into Force
on Appointed Day*

1.-(1) Subject to the following provisions of this paragraph, a licence granted, or having effect as if granted, under section 33 of the B.T.A. Ordinance, which is effective on the appointed day, shall have effect as if granted by the Minister under section 20 of this Act and the provisions of the Act shall apply accordingly.

(2) Where immediately before the appointed day the B.T.A. has in its possession particulars of licences granted, or having effect as if granted, under section 33 of the B.T.A. Ordinance, the B.T.A. shall, as soon as practicable after that day, send to the Minister-

- (a) in the case of each of those licences which is contained in a single document, that document or a copy of that document or such parts of it as contain the provisions of the licence; and
- (b) in the case of each of those licences which is not so contained, a bundle of documents consisting of either the original or a copy of, or of the relevant part of, every document in the possession of the B.T.A. which is capable of being relied on as evidence of, or of any provision of, that licence.

(3) Where a licence has effect by virtue of subparagraph (1) above as if granted by the Minister under section 20 of this Act-

- (a) sections 20 (7) and 24 (2) of this Act shall not apply in relation to that licence;
- (b) any provision of that licence made, or having effect as if made by virtue of section 33 of the B.T.A. Ordinance,

being a provision under which any amount would be paid after the appointed day to the B.T.A., shall have effect as if it required that amount to be paid to the Director;
- (c) the licence shall expire in accordance with its terms unless cancelled or withdrawn in accordance with section 31 of this Act.

(4) Before revoking a licence under section 31 of this Act, the Minister shall give notice-

- (a) stating that he proposes to revoke the licence;
- (b) stating the reason why he proposes to revoke the licence;
and
- (c) specifying the time (not being less than 28 days from the date of the giving of the notice) within which representations or objections with respect to the proposed revocation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(5) A notice under subparagraph (4) above shall be given-

- (a) in the case of a licence granted to a particular person, by sending a copy of the notice to that person; and

- (b) in any other case, by publication of the notice in such manner as the Minister considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them.

(6) Any sums received under this paragraph shall be paid into the Consolidated Revenue Fund.

PART II

Provisions and Savings Coming Into Force on Vesting Day

2. A licence granted under section 20 of this Act to the B. T. A. which is effective on the vesting day shall have effect as if granted to the successor company.

3. An order made under section 20 of this Act which designates any telecommunication system or systems run by the B.T.A. and is effective on the vesting day shall have effect as if it designated the corresponding telecommunication system or systems run by the successor company.

4.-(1) Except as otherwise provided by the foregoing provisions of this Part of this Schedule (whether expressly or by necessary implication) any agreement made, transaction effected or other thing done by, to or in relation to the B. T.A. which is in force or effective immediately before the vesting day shall have effect as from that date as if made, effected or done by, to or in relation to the successor company in all respects as if the successor company were the same person in law as the B.T.A., and accordingly references to the B.T.A.-

- (a) in any agreement (whether or not in writing) and in any deed, bond or instrument;

- (b) in any process or other document issued, prepared or employed for the purpose of any proceeding before any court or other tribunal or authority; and
- (c) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of the B.T.A. which vests by virtue of section 68 of this Act in the successor company,

shall be taken as from the vesting day as referring to the successor company.

(2) Nothing in subparagraph (1) above shall be taken as applying in relation to any excepted liabilities.

(3) Nothing in subparagraph (1) above shall be taken as applying in relation to any agreement or contract regulating the provision of international telecommunication services and the efficient use of the radio frequency spectrum.

(4) All such agreements or contracts referred to in subparagraph (3) above shall be taken as agreements or contracts with the Director as on the vesting day.

5.-(1) It is hereby declared for the avoidance of doubts that-

- (a) the effect of section 68 of this Act in relation to any contract of employment with the B.T.A. in force immediately before the vesting day is merely to modify the contract as from that day by substituting the successor company as the employer (and not to terminate the contract or vary it in any other way); and
- (b) section 68 is effective to vest the rights and liabilities of the B.T.A. under any agreement or arrangement for the payment of pensions, allowances or gratuities in the successor com-

pany along with all other rights and liabilities of the B.T. A.; and accordingly for the purposes of any such agreement or arrangement as it has effect by virtue of paragraph 4(4) above in relation to employment with the successor company or with a wholly owned subsidiary of that company any period of employment with the B.T.A. shall count as employment with the successor company or (as the case may be) with a wholly owned subsidiary of that company.

(2) Nothing in subparagraph (1) shall be taken as applying in relation to any excepted liabilities.