

STATUTORY RULES.

1956. No. .

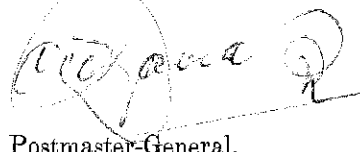
REGULATIONS UNDER THE POST AND TELEGRAPH ACT
1901-1950 AND THE WIRELESS TELEGRAPHY ACT 1905-1950.*
~~THE GOVERNOR-GENERAL in and over~~
~~THE ADMINISTRATOR of the Government of the Common-~~
I, wealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Post and Telegraph Act 1901-1950* and the *Wireless Telegraphy Act 1905-1950*.

Dated this *fourteenth*
day of *December*, 1956.

W. J. SLIM

~~Governor-General, Administrator~~

By His Excellency's Command,



Postmaster-General.

RADIO-TELEPHONE EXCHANGE SERVICE REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Radio-telephone Exchange Service Regulations.
2. These Regulations are divided into Parts, as follows:— Parts.
 - Part I.—Preliminary (Regulations 1-4).
 - Part II.—Provision of and Charges for Mobile Radio-Telephone Exchange Services (Regulations 5-19).
 - Part III.—Provision of and Charges for Fixed Radio-telephone Exchange Services (Regulations 20-36).
 - Part IV.—Transfer and Termination of Radio-telephone Exchange Services (Regulations 37-44).
 - Part V.—Miscellaneous (Regulations 45-56).
3. The Radio-telephone Exchange Service Regulations (being Statutory Rules 1952, No. 52) are repealed. Repeal.
4. In these Regulations, unless the contrary intention appears— Definitions.
 - “approved form” means a form approved by the Department;
 - “base station” means a radio station established and maintained by the Department for the purpose of communicating by radio-telephony (either directly or through a receiving station) with one or more mobile radio-telephone units;

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, 1956.
9/27.9.1956.

- “control station” means a radio station established and maintained by the Department for the purpose of communicating by radio-telephony (either directly or through a receiving station) with one or more fixed radio-telephone units;
- “craft” means a water craft or an aircraft;
- “exchange” means a telephone exchange established by the Department to which one or more telephone subscribers are, or are intended to be, connected;
- “fixed radio-telephone exchange service” means a service provided by the Department for communication by radio-telephony between a control station and a fixed radio-telephone unit in the same fixed radio-telephone exchange service area;
- “fixed radio-telephone exchange service area” means an area designated by the Department under regulation 20 of these Regulations;
- “fixed radio-telephone unit” means a radio-telephone unit installed, or intended to be installed, in premises and used, or intended to be used, for communication by radio-telephony with a control station;
- “mobile radio-telephone exchange service” means a service provided by the Department for communication by radio-telephony between a base station and a mobile radio-telephone unit while that unit is within a radius of twenty miles of that base station;
- “mobile radio-telephone unit” means a radio-telephone unit installed, or intended to be installed, in a vehicle or craft and used, or intended to be used, for communication by radio-telephony with a base station;
- “outstation equipment” means a fixed radio-telephone unit and the aerial system and power plant for use with that unit;
- “public telephone” means a telephone, other than the telephone of a telephone subscriber, provided, or authorized by the Department under the Telephone Regulations to be provided, for public use;
- “radio-telephone exchange service” means a mobile radio-telephone exchange service or a fixed radio-telephone exchange service;
- “radio-telephone unit” means a mobile radio-telephone unit or a fixed radio-telephone unit;
- “telephone subscriber” means a person who is authorized by the Department under the Telephone Regulations to rent, provide or use a telephone or other like service other than a radio-telephone exchange service;
- “telephone system” means the telephone system controlled by the Department;
- “the Department” means the Postmaster-General’s Department, and a reference to the Department includes a reference to the officer of the Department who is empowered or authorized by the appropriate authority to exercise the powers or discharge the functions or duties conferred or imposed upon the Department by these Regulations.

**PART II.—PROVISION OF AND CHARGES FOR MOBILE RADIO-TELEPHONE
EXCHANGE SERVICES.**

5.—(1.) A person who—

- (a) owns or controls a vehicle or craft; and
- (b) has installed or proposes to install in that vehicle or craft a mobile radio-telephone unit,

Application for
mobile radio-
telephone
exchange
service.

may apply to the Department to become a subscriber to a mobile radio-telephone exchange service.

(2.) An application under this regulation shall be made in writing in the approved form and shall contain such particulars as the Department directs.

(3.) Where, immediately prior to the commencement of these Regulations, a person was a subscriber to a radio-telephone exchange service under the Regulations repealed by these Regulations, he shall be deemed to have become a subscriber to a mobile radio-telephone exchange service under these Regulations without making an application under the preceding provisions of this regulation.

6.—(1.) The Department shall not approve an application by a person to become a subscriber to a mobile radio-telephone exchange service unless—

Installation,
inspection, &c.,
of mobile radio-
telephone unit.

- (a) the mobile radio-telephone unit installed or proposed to be installed in the vehicle or craft is a type of which the Department approves; and
- (b) the mobile radio-telephone unit has been installed in the vehicle or craft, and has been inspected, tested and approved by the Department after being so installed.

(2.) The Department may require the applicant to make the vehicle or craft in which the mobile radio-telephone unit is installed available, at a time and place suitable to the Department, for inspection and testing of the unit by the Department for the purposes of the last preceding sub-regulation.

(3.) The cost of providing and installing a mobile radio-telephone unit shall be borne by the person who is applying to become a subscriber to a mobile radio-telephone exchange service.

7. When the Department approves the application of a person to become a subscriber to a mobile radio-telephone exchange service, the Department may fix a minimum period, not exceeding one year, for which that person shall become a subscriber.

Department
may fix
minimum
period of
service.

8. A subscriber to a mobile radio-telephone exchange service shall at his own expense—

- (a) maintain the mobile radio-telephone unit installed in the vehicle or craft owned or controlled by him in a condition satisfactory to the Department; and
- (b) make the mobile radio-telephone unit available for inspection and testing by the Department at such times and places as the Department directs.

Maintenance
and inspection
of mobile radio-
telephone units.

9.—(1.) Subject to sub-regulation (4.) of this regulation, a person shall not remove, or permit or suffer another person to remove, a mobile radio-telephone unit from the vehicle or craft in which it is installed

Removal of
mobile radio-
telephone unit.

unless he has the written consent of the Department and, where he is not the subscriber to the mobile radio-telephone exchange service in connexion with which the unit is used, the written consent of that subscriber.

Penalty: Ten pounds.

(2.) A subscriber to a mobile radio-telephone exchange service may, at his own expense, with the written consent of the Department and upon paying a fee of Five shillings to the Department, remove a mobile radio-telephone unit from the vehicle or craft in which it is installed, and—

- (a) install it in another vehicle or craft which is owned or controlled by him; or
- (b) install another mobile radio-telephone unit of a type approved by the Department in place of the mobile radio-telephone unit so removed.

(3.) A subscriber to a mobile radio-telephone exchange service shall not use, or permit or suffer another person to use, a mobile radio-telephone unit installed by him in a vehicle or craft in pursuance of the last preceding sub-regulation, unless and until the mobile radio-telephone unit so installed has been inspected, tested and approved by the Department.

Penalty: Ten pounds.

(4.) The written consent of the Department to the removal of a mobile radio-telephone unit from the vehicle or craft in which it is installed is not required where the unit is removed only so that it may be serviced.

10.—(1.) A mobile radio-telephone exchange service may be either a one-way service or a two-way service.

(2.) Subject to these Regulations—

- (a) a subscriber to a one-way service is entitled to receive messages from, but not to transmit messages to, a base station; and
- (b) a subscriber to a two-way service is entitled to transmit messages to, and receive messages from, a base station.

Purposes for which mobile radio-telephone exchange service may be used.

11. Subject to these Regulations, a subscriber to a mobile radio-telephone exchange service is entitled to be connected through a base station to the telephone system for the purpose of communicating with telephone subscribers and persons who are or may be connected to the telephone system.

Connexion to telephone system.

12. Subject to the provisions of the Telegraph Regulations, a subscriber to a mobile radio-telephone exchange service may arrange with the Department for a telegram addressed to the call number of his mobile radio-telephone exchange service to be telephoned to that service, and, in the case of a subscriber to a two-way service, may send a message through a base station for onward transmission as a telegram.

Telegrams.

13.—(1.) The Department may, at the request of a subscriber to a mobile radio-telephone exchange service, provide and maintain a telephone line for the exclusive use of the subscriber between premises of which the subscriber is the owner or occupier and a base station or an exchange.

Connexion to subscriber's premises.

(2.) Where the Department provides and maintains a telephone line in accordance with the last preceding sub-regulation, the subscriber to the service is entitled to be connected through a base station to that telephone line for the purpose of communicating with the premises of which he is the owner or occupier.

(3.) The subscriber shall pay to the Department for providing the telephone line the charges prescribed by Regulation 147 of the Telephone Regulations.

14.—(1.) A subscriber to a mobile radio-telephone exchange service shall pay a service charge to the Department in respect of the service. Service charges.

(2.) Subject to sub-regulations (3.) and (4.) of this regulation, the service charge is at the rate of—

(a) Fifty pounds per annum for a two-way service; and
 (b) Twenty-one pounds per annum for a one-way service,
 calculated from and including the date on which the service is licensed to operate under the *Wireless Telegraphy Act 1905-1950*, and shall be paid yearly, half-yearly or quarterly in advance as the Department determines.

(3.) Where the Department provides a mobile radio-telephone exchange service for a period of one month or less, the service charge in respect of that service for the period shall be—

(a) in the case of a two-way service, Seven pounds; and
 (b) in the case of a one-way service, Three pounds,
 and shall be paid in advance.

(4.) Where the Department provides a mobile radio-telephone exchange service for a period of more than one month but less than three months, the service charge in respect of that service for the period shall be at the rate of—

(a) in the case of a two-way service, Seventy-five pounds per annum; and
 (b) in the case of a one-way service, Thirty-one pounds ten shillings per annum,
 calculated from and including the date on which the service is licensed to operate under the *Wireless Telegraphy Act 1905-1950*, and shall be paid in advance.

15. Where a subscriber to a mobile radio-telephone exchange service, with the consent of the Department, temporarily operates through a base station other than the base station or base stations through which he ordinarily operates, he shall pay to the Department a charge of Ten shillings for each week or part of a week of the period for which he is so operating through that base station, in addition to any other charge or fee payable under these Regulations. Temporary operation in another area.

16. A call charge of Sixpence for each period of three minutes or part of three minutes occupied by a call shall be paid by the person originating the call in respect of each effective call made— Charges for local calls.

(a) between—

(i) a telephone subscriber connected to an exchange in an area within a radius of fifteen miles of the General Post Office at Sydney or Melbourne, or

within a radius of ten miles of the General Post Office at Brisbane, Adelaide, Perth or Hobart, or of the Hamilton automatic exchange at Newcastle; or

- (ii) a public telephone connected to an exchange in such an area not being, in the case of a public telephone outside such a radius, a public telephone that is more than two miles from the exchange to which it is connected, and a subscriber to a mobile radio-telephone exchange service operating through a base station situated in the same area;
- (b) between a telephone subscriber, or a public telephone, and a subscriber to a mobile radio-telephone exchange service operating through a base station situated within a radius of five miles of the exchange to which the telephone subscriber or public telephone is connected;
- (c) between two subscribers to mobile radio-telephone exchange services where they are both operating through the same base station or through base stations serving the same area; and
- (d) to or by the subscriber to a mobile radio-telephone exchange service where the call is connected over a telephone line provided under regulation 13 of these Regulations.

17.—(1.) For an effective call, other than a call of a kind referred to in the last preceding regulation, made between—

Charges for trunk calls.

- (a) a telephone subscriber, or a public telephone, and the subscriber to a mobile radio-telephone exchange service; or
- (b) two subscribers to mobile radio-telephone exchange services where the subscribers are operating through more than one base station,

the person originating the call shall pay—

- (c) a call charge of Sixpence for each period of three minutes or part of three minutes occupied by the call; and
- (d) the charges prescribed by Part VII. of the Telephone Regulations.

(2.) For the purpose of ascertaining the charge referred to in paragraph (d) of the last preceding sub-regulation, a base station shall be deemed to be an exchange.

18. For the purposes of the last two preceding regulations, the subscriber to the service from which a call is originated shall be deemed to be the person originating the call.

Liability for charges.

19. For a call made from a mobile radio-telephone unit for the purpose of telephoning a telegram, the subscriber to the mobile radio-telephone exchange service shall pay—

Charges for telegrams.

- (a) the charges prescribed by the Telegraph Regulations; and
- (b) Sixpence for each group of thirty words, or part of thirty words, for which a charge is payable under those Regulations.

PART III.—PROVISION OF AND CHARGES FOR FIXED RADIO-TELEPHONE EXCHANGE SERVICES.

20.—(1.) The Department may designate areas as areas in which a fixed radio-telephone exchange service is available. Application for fixed radio-telephone exchange service.

(2.) A person who resides in an area designated by the Department under the last preceding sub-regulation may apply to the Department to become a subscriber to a fixed radio-telephone exchange service.

(3.) An application under this regulation shall be made in writing in the approved form and shall contain such particulars as the Department directs.

21.—(1.) Where the Department approves an application of a person to become a subscriber to a fixed radio-telephone exchange service, the Department shall install and maintain a fixed radio-telephone unit in the subscriber's premises and, subject to the next succeeding sub-regulation, install and maintain an aerial system and power plant for use with that unit. Installation of fixed radio-telephone unit.

(2.) The Department may, instead of installing an aerial system or a power plant for use with a fixed radio-telephone unit, approve of an aerial system or a power plant installed and maintained by the subscriber.

(3.) The Department is not responsible for the cost of any fuel or labour required for the operation of a power plant installed or approved by the Department under this regulation.

22.—(1.) When the Department approves the application of a person to become a subscriber to a fixed radio-telephone exchange service, the Department may fix a minimum period, not exceeding seven years, for which that person shall become a subscriber. Department may fix minimum period of service.

(2.) A person who does not wish to become a subscriber to a fixed radio-telephone exchange service for a minimum period fixed by the Department may apply to the Department to become a subscriber to a temporary service.

23.—(1.) A subscriber to a fixed radio-telephone exchange service shall not remove, or permit or suffer another person to remove, to other premises any outstation equipment installed in the subscriber's premises unless he has the written consent of the Department. Removal of outstation equipment.

Penalty: Ten pounds.

(2.) Where a subscriber to a fixed radio-telephone exchange service so requests and agrees to pay the cost of the removal and installation, the Department may remove the outstation equipment installed in the subscriber's premises and install the outstation equipment in other premises in the same fixed radio-telephone exchange service area.

(3.) The Department may, instead of removing and installing the aerial system or power plant for use with a fixed radio-telephone unit under the last preceding sub-regulation, approve of the removal and installation of the aerial system or power plant by the subscriber.

24. The Department may remove and replace any outstation equipment provided by the Department and installed in the premises of a subscriber to a fixed radio-telephone exchange service. Replacement of outstation equipment.

25. Employees of the Department provided with proper means of identification may at any reasonable time enter the premises of any subscriber to a fixed radio-telephone exchange service for the purpose of inspection of any outstation equipment installed in the premises or for the purpose of the removal, repair or replacement of any outstation equipment provided by the Department. Access by employees of the Department.

26.—(1.) The Department or any of its officers or employees is not liable for any damage or injury that may result by reason of the installation of any outstation equipment in a subscriber's premises. Non-liability of Department.

(2.) Where the applicant is not the owner of the premises in which outstation equipment is installed, he is responsible for obtaining the permission of the owner of the premises and is liable to indemnify the Department for any damage or injury that may be caused.

27. In the event of any outstation equipment provided by the Department and installed in the premises of a subscriber to a fixed radio-telephone exchange service being wholly or partially destroyed or damaged by any cause whatever (other than fair wear and tear) the subscriber is liable to pay to the Department, on demand, the cost to the Department of any necessary replacement or repair. Responsibility for damage to apparatus.

28. The provisions of the last preceding regulation apply notwithstanding that there has been no negligence on the part of the subscriber or any other person for whom he is responsible, and notwithstanding that the destruction or damage may have arisen from some cause not due to the act or default of the subscriber. Accidental damage.

29.—(1.) A fixed radio-telephone exchange service shall be a two-way service. Purposes for which fixed radio-telephone exchange service may be used.

(2.) Subject to these Regulations, a subscriber to a fixed radio-telephone exchange service is entitled to transmit messages to, and receive messages from, a control station.

30. Subject to these Regulations, a subscriber to a fixed radio-telephone exchange service is entitled to be connected through a control station to the telephone system for the purpose of communicating with telephone subscribers and persons who are or may be connected to the telephone system. Connexion to telephone system.

31. Subject to the provisions of the Telegraph Regulations, a subscriber to a fixed radio-telephone exchange service may arrange with the Department for a telegram addressed to the call number of his fixed radio-telephone exchange service to be telephoned to that service, and may send a message through a control station for onward transmission as a telegram. Telegrams.

32.—(1.) A subscriber to a fixed radio-telephone exchange service shall pay a rental charge to the Department in respect of the service. Rental and other charges.

(2.) Subject to the next succeeding sub-regulation, the rental charge is at the rate of—

- (a) Two hundred and thirty-five pounds per annum for a service where the whole of the outstation equipment is provided by the Department;

- (b) One hundred and eighty pounds per annum for a service where the fixed radio-telephone unit and the power plant only are provided by the Department;
- (c) One hundred and fifty pounds per annum for a service where the fixed radio-telephone unit and the aerial system only are provided by the Department; and
- (d) One hundred pounds per annum for a service where the fixed radio-telephone unit only is provided by the Department,

calculated from and including the date on which the service is licensed to operate under the *Wireless Telegraphy Act 1905-1950*.

(3.) A subscriber to a fixed radio-telephone exchange service, being a temporary service, for a period of less than twelve months shall pay—

- (a) a rental charge for each week or part of a week of the period at the rate of—

- (i) Three hundred and fifty-two pounds ten shillings per annum for a service where the whole of the outstation equipment is provided by the Department;
- (ii) Two hundred and seventy pounds per annum for a service where the fixed radio-telephone unit and the power plant only are provided by the Department;
- (iii) Two hundred and twenty-five pounds per annum for a service where the fixed radio-telephone unit and the aerial system only are provided by the Department; and
- (iv) One hundred and fifty pounds per annum for a service where the fixed radio-telephone unit only is provided by the Department,

calculated from and including the date on which the service is licensed to operate under the *Wireless Telegraphy Act 1905-1950*; or

- (b) where the rental charge calculated in accordance with the last preceding paragraph is less than Seven pounds— a rental charge of Seven pounds.

(4.) In addition to the rental charges payable under sub-regulation (2.) or sub-regulation (3.) of this regulation, a subscriber to a fixed radio-telephone exchange service that is a temporary service shall pay to the Department a charge, in respect of the installation and dismantling of the outstation equipment provided for the service, of such amount as is determined by the Department.

(5.) The Department may require an applicant for a fixed radio-telephone exchange service, being a temporary service, to deposit with the Department an amount equal to the sum of—

- (a) the value estimated by the Department of the rental charges for the period of the temporary service and the calls likely to be made during that period; and
- (b) the installation and dismantling charge.

(6.) A rental charge payable under this regulation shall be paid yearly, half-yearly or quarterly in advance as the Department determines.

33. A call charge of One shilling for each period of three minutes or part of three minutes occupied by a call shall be paid by the person originating the call for each effective call made—

Charge for local calls.

- (a) between a telephone subscriber, or a public telephone, and a subscriber to a fixed radio-telephone exchange service operating through a control station situated within a radius of five miles of the exchange to which the telephone subscriber or public telephone is connected; and
- (b) between two subscribers to fixed radio-telephone exchange services where they are both operating through the same control station or control stations serving the same fixed radio-telephone exchange service area.

34.—(1.) For an effective call, other than a call of a kind referred to in the last preceding regulation, made between—

Charges for trunk calls.

- (a) a telephone subscriber, or a public telephone, and a subscriber to a fixed radio-telephone exchange service; or
- (b) two subscribers to fixed radio-telephone exchange services where the subscribers are operating through more than one control station,

the person originating the call shall pay—

- (c) a call charge of One shilling for each period of three minutes or part of three minutes occupied by the call; and
- (d) the charges prescribed by Part VII. of the Telephone Regulations.

(2.) For the purpose of ascertaining the charges referred to in paragraph (d) of the last preceding sub-regulation, a control station shall be deemed to be an exchange.

35. For the purposes of the last two preceding regulations, the subscriber to the service from which a call is originated shall be deemed to be the person originating the call and shall be liable for any charge payable in respect of the call.

Liability for charges.

36. For a call made from a fixed radio-telephone unit for the purpose of telephoning a telegram, the subscriber to the fixed radio-telephone exchange service shall pay—

Charges for telegrams.

- (a) the charges prescribed by the Telegraph Regulations; and
- (b) One shilling for each group of thirty words, or part of thirty words, for which a charge is payable under those Regulations.

PART IV.—TRANSFER AND TERMINATION OF RADIO-TELEPHONE EXCHANGE SERVICES.

37.—(1.) A subscriber to a mobile radio-telephone exchange service shall not sell or give up control of the vehicle or craft in which the mobile radio-telephone unit is installed, unless, before completing the sale or giving up control, he gives notice in writing to the Department of his intention so to do.

Sale of vehicle or craft by subscriber to mobile radio-telephone exchange service.

Penalty: Ten pounds.

(2.) On receipt of a notice given under the last preceding sub-regulation, the Department may—

- (a) terminate the mobile radio-telephone exchange service from and including the day on which the sale is completed or the subscriber gives up control of the vehicle or craft; or
- (b) subject to regulation 40 of these Regulations, transfer the service to the person who has purchased or assumed control of the vehicle or craft.

38.—(1.) A subscriber to a fixed radio-telephone exchange service who gives up possession of premises in which which outstation equipment is installed shall—

- (a) before giving up possession of the premises, give notice in writing to the Department of the date on which he intends to give up possession; or
- (b) if he was unable to give such a notice, give notice in writing to the Department of the date on which he gave up possession within one week after that date.

Penalty: Ten pounds.

(2.) On receipt of a notice given under the last preceding sub-regulation, the Department may—

- (a) terminate the fixed radio-telephone exchange service from and including the day on which the subscriber gives up possession of the premises; or
- (b) subject to regulation 40 of these Regulations, transfer the service to the person who has assumed possession of the premises.

39.—(1.) Where the subscriber to a radio-telephone exchange service dies, his legal personal representative shall—

- (a) forthwith inform the Department of his death; and
- (b) pay to the Department out of the estate of the deceased subscriber all amounts owing to the Department in respect of the service, whether incurred before or after the date of death.

(2.) On receipt of a notice given under the last preceding sub-regulation, the Department may—

- (a) terminate the radio-telephone exchange service; or
- (b) subject to the next succeeding regulation, transfer the service to a person who has purchased or assumed control of the vehicle or craft, or assumed possession of the premises, in which the radio-telephone unit is installed.

40.—(1.) The Department may transfer a radio-telephone exchange service to a person who has purchased or assumed control of the vehicle or craft, or assumed possession of the premises, in which the radio-telephone unit is installed, if—

- (a) the person selling or giving up control of the vehicle or craft, or giving up possession of the premises, or in the case of the death of a subscriber, his legal personal representative, consents to the transfer;

- (b) the person who has purchased or assumed control of the vehicle or craft, or assumed possession of the premises, applies in writing to the Department in the approved form for the transfer of the service to him; and
- (c) a transfer fee of Five shillings and all amounts owing to the Department in respect of the service are paid to the Department.

(2.) Upon the Department transferring a radio-telephone exchange service to a person who has purchased or assumed control of a vehicle or craft, or assumed possession of premises, the purchaser or that person becomes the subscriber to that radio-telephone exchange service.

41.—(1.) A person who has purchased or assumed control of a vehicle or craft, or assumed possession of premises, in which is installed a radio-telephone unit shall not use, or permit or suffer another person to use, that radio-telephone unit, unless and until the Department has transferred the radio-telephone exchange service to him. Purchaser, &c.,
not to use
service until
transferred.

Penalty: Ten pounds.

(2.) A person who uses, or permits or suffers another person to use, a radio-telephone unit in contravention of the last preceding sub-regulation shall be deemed to have assumed the radio-telephone exchange service, and (without prejudice to any liability of the subscriber or any right or power of the Department) is liable for—

- (a) all amounts payable under these Regulations in respect of subsequent use of that service as if he were the subscriber to that service; and
- (b) all amounts owing in respect of that service at the time at which he is so deemed.

42.—(1.) Where—

- (a) the Department has not fixed a minimum period for which a person shall be a subscriber to a radio-telephone exchange service; or
- (b) the Department has fixed such a period but that period has elapsed,

Determination
of service with
notice.

the service may be terminated by the Department giving reasonable notice in writing to the subscriber, or the subscriber giving reasonable notice in writing to the Department, of its or his intention to terminate the service.

(2.) Where a radio-telephone exchange service is terminated in pursuance of the last preceding sub-regulation, the charges in respect of the service shall be charged only to the date on which the service is terminated.

(3.) This regulation does not affect the power of the Department to terminate a radio-telephone exchange service under any other provision of these Regulations.

43.—(1.) The Department may terminate a radio-telephone exchange service without notice to the subscriber where— Determination
without notice.

- (a) the service is used in a way that does not comply with, or constitutes an offence against, these Regulations; or

(b) the subscriber to the service—

- (i) does not comply with, or commits an offence against, these Regulations, the *Wireless Telegraphy Act 1905-1950* or any regulations made under that Act;
- (ii) does not comply with a lawful direction or requirement of the Department in respect of that service;
- (iii) does not pay, within fourteen days after the date on which the Department sends him the account, a charge, rental or fee payable by him to the Department in respect of the service or any other service provided by the Department;
- (iv) commits an act of bankruptcy; or
- (v) uses the vehicle, craft or premises in which the radio-telephone unit is installed for the purpose of, or in connexion with, carrying on an illegal business.

(2.) For the purpose of the last preceding sub-regulation, a subscriber to a radio-telephone exchange service shall be deemed to have carried on an illegal business if he is convicted of an offence against a law relating to—

- (a) keeping a common gaming house, common betting house, common bawdy house, or house of disorderly entertainment;
- (b) gaming or wagering; or
- (c) the sale of intoxicating liquor.

(3.) Where the Department terminates a radio-telephone exchange service because the subscriber to that service has not paid within fourteen days of the date on which it fell due, a charge, rental or fee payable by him to the Department, and the subscriber to the service subsequently pays all amounts payable by him to the Department, the Department may, if the subscriber wishes the service to be restored—

- (a) restore the service on payment by the subscriber of a fee of Five shillings; or
- (b) require the subscriber to apply for a new radio-telephone exchange service in accordance with these Regulations.

(4.) Where the Department has terminated a radio-telephone exchange service for a reason other than that referred to in the last preceding sub-regulation, the subscriber to that service may apply for a new service in accordance with these Regulations.

(5.) Where the Department has fixed a minimum period for which a person shall become a subscriber to a fixed radio-telephone exchange service and that service is terminated on the failure of the person to give a notice in accordance with regulation 38 of these Regulations, the person is liable, notwithstanding that termination or the removal of any outstation equipment by the Department, for the rental charges for any unexpired portion of the period in addition to the amounts due in respect of the service at the time of its termination.

44. Where a fixed radio-telephone exchange service is terminated, the Department may remove any outstation equipment provided by the Department for the purposes of that service.

Removal of outstation equipment on termination of the service.

PART V.—MISCELLANEOUS.

45.—(1.) For the purposes of these Regulations, a call shall be considered effective, and the period of the call shall be calculated, from the time at which the person originating the call is informed that the required number is connected, notwithstanding that, in the case of a call to a one-way mobile radio-telephone exchange service, the call is not received. Period of calls.

(2.) The total period of a call shall not exceed three minutes if the base station or control station through which the call is being made is required for another call.

46. The hours during which radio-telephone exchange service will be ordinarily provided at a base station or a control station shall be determined by the Department. Hours of service.

47.—(1.) Accounts for calls and other charges due by the subscriber to a radio-telephone exchange service shall be rendered yearly, half-yearly or quarterly as the Department determines, and are payable by a subscriber within fourteen days of the date on which they are sent by the Department to the subscriber. Accounts for calls.

(2.) Notwithstanding anything contained in the last preceding sub-regulation, the Department may render an interim account at any time to a subscriber to a radio-telephone exchange service for charges that have been incurred by the subscriber, and may demand payment of the interim account within a specified time.

48.—(1.) The Department may, either before or after approving an application to become a subscriber to, or for the transfer of a radio-telephone exchange service, require the applicant to give security for the payment of charges in such form and amount as the Department specifies. Security for charges.

(2.) Where the requirement is not complied with, the Department may reject the application or terminate the service.

49.—(1.) For the purpose of proceedings for the recovery of charges, or the cost of replacement or repair of apparatus, payable under these Regulations, a Director, Posts and Telegraphs, may certify— Recovery of charges, &c.

(a) as to the particulars and amounts payable by a person to the Department under these Regulations; and

(b) that those amounts have not been paid to the Department.

(2.) In proceedings for the recovery of charges, or the cost of replacement or repair of apparatus, payable under these Regulations, a certificate bearing the written signature of a Director, Posts and Telegraphs, shall—

(a) until the contrary is proved, be deemed to have been duly issued and signed by the person by whom it purports to have been signed; and

(b) be *prima facie* evidence in any court of the facts stated in the certificate.

(3.) All Courts shall take judicial notice of the signature of a Director, Posts and Telegraphs, and of the fact that the person whose signature it purports to be holds, or, at the time at which he signed the certificate, held, the office of Director, Posts and Telegraphs.

50.—(1.) The Department may allot a call number to a radio-telephone exchange service, and, in its discretion, from time to time vary that number. Telephone number and entry in Directory.

(2.) The Department may, in respect of a radio-telephone exchange service, permit one entry, in a form determined by the Department, to be made in the Telephone Directory without charge.

(3.) On the termination of a radio-telephone exchange service, the Department may cause any entry relating to that service to be removed from the Telephone Directory.

(4.) A subscriber to a radio-telephone exchange service may, upon payment of the charge or fee payable under the Telephone Regulations, have extra words inserted in an entry in the Telephone Directory, or have additional entries or a block type entry inserted in the Telephone Directory, as if he were a subscriber under the Telephone Regulations.

(5.) The Department has the right to amend or delete any entry in the Telephone Directory at any time and no claim for compensation shall arise or be entertained on account of any entry in, or of any error or omission from, the Telephone Directory.

51.—(1.) The Department may, in its discretion, and without assigning reasons for the refusal or suspension— Refusal, suspension, &c., of service.

(a) refuse to approve an application for a radio-telephone exchange service, or for the transfer of a radio-telephone exchange service; or

(b) suspend, either totally or partially, a radio-telephone exchange service at any time for any period.

(2.) The Department and officers of the Department are not liable to an action, claim or demand for compensation arising from—

(a) the Department's refusal to approve an application for, or for the transfer of, a radio-telephone exchange service;

(b) the interruption or suspension of a radio-telephone exchange service through any cause; or

(c) the provision by the Department of radio-telephone exchange services on a common frequency without secrecy of conversation.

52. Subject to these Regulations, the decision of the Department shall be final in respect of the fees and charges, and terms and conditions, that apply to a radio-telephone exchange service. Department's decision final.

53. A person shall not—

(a) while using a radio-telephone exchange service, use language of an objectionable, obscene or offensive nature, or of a character calculated to provoke a breach of the peace; or

(b) mischievously use a radio-telephone exchange service for the purpose of irritating any person, or of conveying a fictitious instruction or message. Objectionable language.

Penalty: Fifty pounds.

54.—(1.) A person shall not, without the written authority of the Department— Unauthorized connexion with apparatus used in connexion with a radio-telephone exchange service.

(a) connect, or authorize, permit or suffer any other person to connect, any telephone line or other apparatus to any apparatus used in connexion with a radio-telephone exchange service; or

- (b) directly or indirectly use, or authorize, permit or suffer any other person to use, directly or indirectly, any apparatus, device or fitting for the purpose of listening to or recording any conversation, signal or any form of electrical communication being transmitted or received over a radio-telephone exchange service or of interrupting any such conversation, signal or communication.

Penalty: Twenty-five pounds.

(2.) In a prosecution for an offence against the last preceding sub-regulation, the averment of the prosecutor, contained in the information, that the owner or person in control of a vehicle or craft in which a mobile radio telephone unit is installed, or the owner or occupier of premises in which outstation equipment is installed, authorized, permitted or suffered any other person to connect or use, any telephone line, device, fitting or other apparatus in contravention of that sub-regulation shall be deemed to be proved in the absence of proof to the contrary.

55.—(1.) Subject to these Regulations, all outstation equipment, telephone lines and other apparatus used in connexion with a radio-telephone exchange service shall be provided and erected or installed by the Department, and are its exclusive property. Unauthorized interference with apparatus.

(2.) A person, other than an employee of the Department provided with proper means of identification or a person authorized by the Department, shall not interfere with, or make any additions or alterations to, any outstation equipment, telephone line or other apparatus that is the Department's exclusive property.

(3.) Where any outstation equipment, telephone line or other apparatus that is the Department's exclusive property is interfered with, added to or altered in contravention of the last preceding sub-regulation, the subscriber concerned is liable to have his radio-telephone exchange service terminated and the Department may require the subscriber to pay the cost of any necessary alteration or replacement.

56. The Wireless Telegraphy Regulations apply to and in relation to a radio-telephone exchange service and to and in relation to a radio-telephone unit or outstation equipment used in connexion with that service, and the subscriber to a radio-telephone exchange service shall pay, in addition to any fee or charge payable under these Regulations, the fees payable under the Wireless Telegraphy Regulations in respect of the grant or renewal of a licence under those Regulations for the radio-telephone unit or outstation equipment used in connexion with the subscriber's radio-telephone exchange service. Application of Wireless Telegraphy Regulations.

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