

officer to whom it is addressed to search any building or thing whatever for anything on or in respect of which any offence has been or is suspected to have been committed, or which there is reasonable ground to suspect is intended to be used for the purpose of committing any offence and to seize any such thing and carry it before any Magisterial Court having jurisdiction in the matter, to be dealt with according to law. The Mukhtar issuing the warrant shall authorize the officer to whom it is addressed to execute it either between the hours of sunrise and sunset, or may, if he thinks fit, authorize such person to execute it at any hour.

(2) If under any such warrant there is brought before any Magisterial Court any forged document, or anything of which the use or possession is unlawful, in the absence of some lawful excuse to be proved by the person in possession thereof, such Court may cause such thing to be defaced or destroyed, although no person may be committed for trial in respect thereof.

This Law came into operation on 28th July, 1933.

No. 29 OF 1933.

A.D. 1933. A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE ESTABLISHMENT, CONSTRUCTION, MAINTENANCE AND WORKING OF TELEGRAPHS AND TELEGRAPH LINES AND TELEPHONES AND TELEPHONE LINES.

R. E. STUBBS,]

[28th July, 1933.

Governor.

BE it enacted :--

PART I.

PRELIMINARY.

Short title.

1. This Law may be cited as the Telegraphs Law, 1933.

Interpretation.

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

“Colony” means the Colony of Cyprus and includes the territorial waters thereof.

“pole” means a post, standard, stay, strut or other above-ground contrivance for carrying, suspending or supporting a telegraph line and includes a tree used for the like purpose.

“street” means any public or private road, square, bridle-path, pathway, blind-alley, footway or open space.

“telegram” or “message” means any communication transmitted or intended to be transmitted by telegraph or to be delivered or intended to be delivered as a communication transmitted either wholly or partly by telegraph.

“telegraph” includes “telephone” and means an electric or magnetic telegraph, and includes appliances and apparatus for making, transmitting or receiving telegraphic, telephonic or other communications by means of electricity or magnetism, or by any agency of a like nature, with the aid of wires.

“telegraph company” means any company, corporation or persons carrying on the business of transmitting telegrams for the public or otherwise under whatever authority or in whatever manner either within or without the Colony such company, corporation or persons may act or be constituted.

“telegraph line” means a wire, wires, conductor or other means used for conveying, transmitting or distributing electricity for the purpose of communicating by telegraph, together with any casing, coating, tubing, pipe-covering or insulator enclosing, surrounding or supporting the same, and includes any portion of a telegraph line as herein defined.

“telegraph officer” means any person employed either permanently or temporarily by a person or telegraph company licensed by the Governor under the provisions of this Law.

“transmission” or “transmit” or “transmitting” or “transmitted” where used in relation to telegrams includes the reception as well as the sending of telegrams.

PART II.

PRIVILEGES AND POWERS OF THE GOVERNOR.

3.—(1) The Governor shall have the exclusive privilege of establishing, constructing, maintaining and working telegraphs and telegraph lines within the Colony.

Exclusive privilege of Governor to establish, etc., telegraphs and telegraph lines.

Power to
Governor
to grant
licences.

(2) The Governor may grant a licence, on such terms and conditions and in consideration of such payments as he thinks fit, to any person or telegraph company to establish, construct, maintain or work a telegraph or telegraph line within any part of the Colony and to place, lay, carry and maintain any poles or wires for the purpose of such telegraph or telegraph line in, along, through, across or under any street or immovable property.

Power to
Governor
to revoke
licences.

(3) The Governor may, at any time, revoke any licence granted under this section on the breach of any of the terms or conditions therein contained or in default of payment of any consideration payable thereunder.

Saving.

(4) Every licence to establish, construct, maintain or work a telegraph granted under the provisions of any of the enactments hereby repealed and subsisting at the time of the coming into operation of this Law, shall be deemed to have been granted under this Law, and every telegraph line or pole placed under, in, upon, over, along or across any street or immovable property for the purposes of such telegraph shall be deemed to have been placed in exercise of the powers conferred by, and after the due observance of all the requirements of, this Law.

Penalty.

(5) If any person or telegraph company to whom a licence has been granted under this section breaks any term or condition contained in such licence, such person or telegraph company shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds and to a further fine not exceeding fifty pounds for every week during which the breach of the term or condition continues.

Telegraphs or
telegraph
lines not
to be
established,
etc., except
by licence.

4.—(1) No person or telegraph company shall establish, construct, maintain, work or use for the purpose of transmitting telegrams any telegraph or telegraph line within the Colony except by virtue of a licence granted under section 3 of this Law.

Penalty.

(2) If any person or telegraph company acts in contravention of sub-section (1) hereof, such person or telegraph company shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds and to a further fine not exceeding fifty pounds for every week during which the telegraph or telegraph line in respect of which the offence has been committed is maintained or worked. Any such telegraph or telegraph line may, in addition to the penalties in this sub-section prescribed, be ordered by the Court trying such offence to be forfeited to the use of His Majesty.

5.—(1) The Governor in Council may, from time to time, make regulations to be published in the *Cyprus Gazette* relating to the establishment, construction, conduct, protection, maintenance and working of all or any telegraphs or telegraph lines established, maintained or worked by any person or telegraph company licensed under the provisions of this Law.

Power to Governor in Council to make regulations relating to establishment, etc., of telegraphs or telegraph lines.

(2) Regulations under this section may provide for all or any of the following, that is to say—

Scope of regulations.

(a) the rates at which, and the other conditions and restrictions subject to which, telegrams shall be transmitted and delivered :

Provided that no regulation made hereunder after the grant of a licence under section 3 of this Law shall, during the continuance of such licence, prejudicially affect the licensee thereunder or any rates by such licence fixed or authorized to be charged or taken ;

(b) the order of precedence of telegrams, and the method of disposal of unclaimed and undelivered telegrams ;

(c) the precautions to be taken for preventing the improper interception or disclosure of telegrams ;

(d) the period for which, and the conditions subject to which, telegrams, and other documents or books belonging to, or being in the custody or under the control of, a person or telegraph company licensed under this Law or of a telegraph officer, shall be preserved ;

(e) the fees to be charged for searching for telegrams or other documents in the custody or under the control of a person or telegraph company licensed under this Law or of a telegraph officer ;

(f) fixing and determining the fees and rates to be charged for the use of any public telephone ;

(g) the installation of telephones in private houses, shops or other buildings, the use of telephones so installed, and the charges and fees to be paid in respect of them ;

(h) the rentals and the conditions subject to which private telegraphs and telegraph lines or systems may be established ;

(i) the protection of telegraphs and telegraph lines from interference or injurious affection by electric light and power lines or works ;

- (j) requiring owners and occupiers of immovable property to keep the trees and underwood on such property so cut as to prevent their touching or injuring any pole or telegraph line ;
- (k) generally for the better carrying into effect of the provisions of this Law.

Regulations may prescribe penalties for breaches thereof.

(3) Regulations made under this section may provide for the imposition on offenders against the same of a fine not exceeding one hundred pounds for each breach and in case of a continuing breach a further fine not exceeding three pounds for each day during which the breach continues.

Power to Governor to take possession of telegraphs or telegraph lines, and to order interception, disclosure or production of telegrams.

6.—(1) On any public emergency or in the public interest the Governor or any person authorized generally or specially in this behalf by the Governor, may

- (a) take temporary possession of any telegraph or telegraph line established, maintained or worked by a person or telegraph company licensed under this Law ; or
- (b) order that any telegram or class of telegrams to or from any person or class of persons, or relating to any particular subject brought for transmission by or transmitted or received by any person or telegraph company licensed under this Law or a telegraph officer, shall not be transmitted or shall be intercepted or detained or shall be disclosed to the Governor or any person designated by name or office in the order ; or
- (c) require by order any person or telegraph company licensed under this Law or a telegraph officer to produce to the Governor or any person designated by name or office in the order the originals and transcripts, either of all telegrams, or of telegrams of any specified class or description, or of telegrams sent from or addressed to any specified person or place, being telegrams sent by means of telegraph from any place in the Colony to any place in or outside the Colony or received at any place in the Colony by means of telegraph from any place in or outside the Colony, and all other papers relating to any such telegrams.

Certificate by Governor to be conclusive proof.

(2) A certificate signed by the Governor shall be conclusive proof of the existence of a public emergency or that any act done under sub-section (1) hereof was in the public interest.