# No. 7313

## AUSTRALIA, CANADA, INDIA, NEW ZEALAND, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, etc.

**Commonwealth Telegraphs Agreement (with schedules and Protocol). Signed at London, on 11 May 1948**

**Commonwealth Telegraphs Agreement, 1963 (with schedule). Signed at London, on 25 July 1963**

*Official text: English.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on 24 June 1964.*

---

## AUSTRALIE, CANADA, INDE, NOUVELLE-ZÉLANDE, ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD, etc.

**Accord relatif aux services télégraphiques du Commonwealth (avec annexes et Protocole). Signé à Londres, le 11 mai 1948**

**Accord de 1963 relatif aux services télégraphiques du Commonwealth (avec annexe). Signé à Londres, le 25 juillet 1963**

*Texte officiel anglais.*

*Enregistrés par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 24 juin 1964.*

# No. 7313. COMMONWEALTH TELEGRAPHS AGREEMENT.[1] SIGNED AT LONDON, ON 11 MAY 1948

THIS AGREEMENT is made on the Eleventh day of May One thousand nine hundred and forty eight BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (hereinafter referred to as " the United Kingdom Government ") of the first part HIS MAJESTY'S GOVERNMENT IN CANADA of the second part HIS MAJESTY'S GOVERNMENT IN THE COMMONWEALTH OF AUSTRALIA of the third part HIS MAJESTY'S GOVERNMENT IN THE DOMINION OF NEW ZEALAND of the fourth part HIS MAJESTY'S GOVERNMENT IN THE UNION OF SOUTH AFRICA of the fifth part HIS MAJESTY'S GOVERNMENT IN INDIA of the sixth part and THE GOVERNMENT OF SOUTHERN RHODESIA of the seventh part (all of whom are hereinafter collectively referred to as " the Partner Governments ").

WHEREAS at a Commonwealth Telecommunications Conference of representatives of the Partner Governments held in London in July One thousand nine hundred and forty five decisions were reached to recommend certain measures for promoting and co-ordinating the efficiency and development of the telecommunication services of the British Commonwealth and Empire :

AND WHEREAS the Partner Governments have adopted the recommendations of the said conference and certain of such recommendations have already been carried out including the acquisition by the United Kingdom Government of all the shares of Cable and Wireless Limited

[1] In accordance with clause 12, the Agreement came into force on 18 September 1957, the date on which the last of the original Partner Governments, namely the Government of India, confirmed the Agreement, and by agreement of those Governments and the Government of Ceylon was deemed to have come into force on 31 May 1949, that is to say :

(1) In respect of the original Partner Governments (United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, South Africa, India and Southern Rhodesia) with effect from 31 May 1949;

(2) In respect of the Government of Ceylon with effect from 1 June 1951, the date on which it adhered to the Agreement;

(3) In respect of the Government of the Federation of Rhodesia and Nyasaland, which replaced, as from 1 July 1954, the Government of Southern Rhodesia, with effect from that date.

Pursuant to the provisions of clause 9, the Agreement came subsequently into force in respect of the Governments of the following States, which had been admitted as Partner Governments on the respective dates of adherence listed below:

| | | |
|---|---|---|
| Cyprus | 1 April | 1961 |
| Federation of Nigeria | 12 March | 1962 |
| Ghana | 3 April | 1962 |
| Federation of Malaya | 1 September | 1962 |

The Union of South Africa ceased to be a Partner Government for the purposes of the Agreement on 31 May 1961, the date on which it ceased to be a Member of the Commonwealth.

AND WHEREAS the Partner Governments are entering into this Agreement for the purpose of giving full effect to the said recommendations :

NOW IT IS HEREBY AGREED as follows :

### *Part I*

### ACQUISITION OF OPERATING COMPANIES

1. Each Partner Government in whose territory a local company is operating external telecommunication services shall purchase all the shares in the local company which it does not already own or otherwise acquire the local company's undertaking, to such extent as it has not already done so.

2. The Partner Governments to whom Clause 1 applies are set out in the first column of the First Schedule hereto and the companies whose shares or undertaking each such Partner Government is to acquire are set out in the second column opposite.

### *Part II*

### ESTABLISHMENT OF COMMONWEALTH TELECOMMUNICATIONS BOARD AND NATIONAL BODIES

3. (1) For the purpose of promoting the efficiency and development of the external telecommunication services of the British Commonwealth and Empire the Partner Governments agree to the establishment of a body which shall be known as the Commonwealth Telecommunications Board and shall have the functions and constitution set out in the Second Schedule hereto. This body is hereinafter referred to as " the Board."

(2) The functions and constitution of the Board may be amended in such manner and to such extent as the Partner Governments may, in the light of experience, agree to be expedient for carrying out more effectively the purposes for which the Board was established.

4. The Partner Governments shall contribute in such proportions as may be agreed to the expenses of the Board pending the establishment of the Central Fund.

5. For the purpose of acquiring the local assets hereinafter mentioned and of operating and maintaining its external telecommunication services each Partner Government shall either nominate an existing department or other body or establish a public corporation having the powers necessary to carry into effect the provisions of this Agreement.

The department, body or corporation so nominated or established by any Partner Government is hereinafter referred to, in relation to that Government, as " the National Body."

6. (1) For the purpose of defining the relations between each Partner Government, the Board and the National Bodies and of providing for the expenses of the Board each Partner Government and, unless the National Body is a Department thereof, the National Body will enter into an Agreement with the Board in the terms set out in the Third Schedule hereto.

(2) The terms and principles of the financial arrangements contained in Clause 7 of the Agreement set out in the Third Schedule hereto may on the recommendation of the Board be modified from time to time in such manner as the Partner Governments may agree to be equitable and convenient.

## *Part III*

### Division and Transfer of Assets of Operating Companies

7. The United Kingdom Government shall procure that the assets of Cable and Wireless Limited shall as soon as practicable be divided and held in manner following, that is to say,

(*a*) shares held by or for Cable and Wireless Limited or any subsidiaries thereof in the companies specified in the second column of the First Schedule hereto shall be transferred to the appropriate Partner Government specified in the first column of the said Schedule at a price (which shall be paid by the Partner Government concerned in cash) to be agreed;

(*b*) assets situated in the territories of any Partner Government (other than the United Kingdom), not being cable-heads or other assets which the Partner Government agrees to exclude, shall be transferred to the National Body concerned at a price (which shall be paid by the Partner Government in cash) to be agreed;

(*c*) except in so far as the United Kingdom Government may otherwise direct the remaining assets shall be held by the United Kingdom National Body.

For the purposes of this Agreement the territory of a Partner Government

(i) in relation to the United Kingdom Government, includes every territory (other than the territory of another Partner Government) whose foreign relations are conducted by the United Kingdom;

(ii) in relation to any other Partner Government, includes every territory whose foreign relations are conducted by that Partner Government.

8. Each other Partner Government shall procure that the assets of any of its local operating companies whose shares or undertaking it acquires under Clause 1 and any other assets (except cable-heads) used in connection with its external telecommunication services shall be held, operated and maintained by the National Body.

## *Part IV*

### ADMISSION AND WITHDRAWAL

9. The Partner Governments may admit the Government of any other part of the British Commonwealth and Empire as a party to this Agreement on such terms (including the acquisition of shares in local companies and of local assets) as may be agreed, and as from such date as may be agreed the Government so admitted shall become a Partner Government for the purposes of this Agreement, and the provisions of this Agreement may on the recommendation of the Board be modified in such manner as may be necessary or expedient to adapt them to the terms and consequences of the admission and as so modified shall be binding on the Partner Governments including the Governments so admitted.

10. (1) If any Partner Government ceases to be a member of the British Commonwealth and Empire that Government shall forthwith cease to be a Partner Government for the purposes of this Agreement and the Agreement entered into by it in pursuance of Clause 6 shall determine and the National Body's account in the Central Fund shall be made up to the date to determination and all payments shall be made accordingly.

(2) If any Partner Government wishes to withdraw from this Agreement it may do so by giving notice in writing to the other Partner Governments and the Board and on the expiration of such notice it shall cease to be a Partner Government for the purposes of this Agreement and the Agreement entered into by it in pursuance of Clause 6 shall determine and the National Body's account in the Central Fund shall be made up to the date of determination and all payments shall be made accordingly. Provided that (*a*) no such notice shall be given during the period of six years beginning on the date on which this Agreement comes into force, and (*b*) any such notice shall be not less than two years in length and shall be given to expire at the end of a financial year of the National Body of such Government.

(3) In the event of a Government ceasing to be a Partner Government this Agreement shall thereafter remain in full force and effect as between the remaining Partner Governments subject only to such consequential modifications (if any) as they may agree to be necessary or expedient.

## *Part V*

### LEGISLATION

11. Each Partner Government shall take appropriate action (whether by legislation or otherwise) to confirm this Agreement, to raise and provide the finance and to obtain the other powers necessary for it to carry out this Agreement.