

1963/133



THE TELEX REGULATIONS 1963

BERNARD FERGUSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of July 1963

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Post Office Act 1959, His Excellency the Governor General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

PART I—PRELIMINARY

1. (1) These regulations may be cited as the Telex Regulations 1963.
 (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.
2. These regulations are arranged as follows:
 - Part I—Preliminary (regulations 1 to 6).
 - Part II—Telex Services (regulations 7 to 38).
 - Part III—Miscellaneous Telex Services (regulations 39 to 42).
 - Part IV—Miscellaneous (regulations 43 to 45).
3. In these regulations, unless the context otherwise requires,—
 - “Call” means the establishment of communication by means of the telex service;
 - “Contract” means an agreement which is entered into between the applicant and the Department when application is made for telex service;
 - “Department” means the Post Office; and includes the Minister, the Director-General, and any officer of the Department acting in the premises;
 - “Director-General” means the Director-General of the Post Office;
 - “Inland call” means a call from a sending station within New Zealand to a receiving station within New Zealand;
 - “Minister” means the Postmaster-General; and includes any officer or other person acting under the authority or by the direction of the Postmaster-General;
 - “Receiving station”, in relation to a call, means the telex installation to which the call is made;
 - “Sending station”, in relation to a call, means the telex installation whereby the call is originated;

“Service call” means a call to or from a sending station in New Zealand to or from a receiving station under the control of the Minister:

“Subscriber” means the person who is recognised by the Minister as the lessee of a telex installation:

“Subscriber’s premises” means any premises in or on which any part of an installation is situated, being premises in the possession or occupation or under the control of the person who is the subscriber in respect of the installation or of a person for whose use the telex installation is provided under the contract with the subscriber:

“Telegram” means an inland or overseas telegram or a radio telegram within the meaning of the Telegraph Regulations 1963.*

“Telex exchange” means the switching equipment and apparatus operated by the Minister and forming part of the public telex exchange system provided by him:

“Telex installation” means a telex line and the teleprinter or other sending or receiving apparatus and the equipment associated therewith which are provided by the Minister for a subscriber for the purpose of telex service:

“Telex line” means a circuit provided as part of a telex installation for the purpose of keeping that installation in continuous connection with a telex exchange:

“Telex service” means a service whereby written messages may be sent directly between the sender and the recipient through the public telex exchange systems under the control of the Minister.

4. Notwithstanding any other provision of these regulations or the provisions of any contract or other instrument, a subscriber shall not be entitled or deemed to be in possession of any telex installation except such part of the installation as is for the time being within the buildings of the subscriber’s premises, and all other parts of the installation shall be deemed to remain in the possession of the Crown but to be the subject of a right in the subscriber to have the use and benefit of the same to the extent and in the manner provided by the contract and by these regulations, and not further or otherwise.

5. The control and management of all lines, instruments, apparatus, and equipment which are the subject of any contract under these regulations shall be deemed at all times to remain with the Minister, irrespective of any right to the possession thereof.

6. The services referred to in these regulations may be provided by the Minister at such times, during such periods, in such circumstances, by means of such equipment, and subject to such charges, terms, and conditions as the Minister may from time to time consider expedient.

PART II—TELEX SERVICES

Applications and Conditions of Service

7. All telex services furnished by the Department shall be subject to these regulations and it shall be a condition implied in every contract for telex services heretofore or hereafter made by the Department that the contract be so subject.

8. (1) Applications for telex service, special services, facilities, or additional equipment shall be made in writing on the form of application and contract supplied in that behalf by the Director-General, or in any other way acceptable to the Director-General.

(2) Any application made on behalf of a partnership or a company shall be signed by one of the partners or by an authorised officer of the company, as the case may require.

9. The Minister may, in his discretion—

(a) Refuse an application for telex service:

(b) Instead of refusing absolutely any application, accede thereto upon such conditions as to security, nature of service (including type of apparatus) to be afforded, special minimum period of contract, or other conditions as he may think fit:

(c) Make any alteration in an installation:

(d) Alter the telex number or the answer-back code allocated to an installation.

10. Upon payment of the charges prescribed in regulation 15 of these regulations, the Department will, in accordance with the contract made with the subscriber, provide all necessary telex installations and maintain the same.

11. (1) A telex installation shall be used only with respect to the affairs of the subscriber.

(2) A subscriber shall not, except with the prior written consent of the Minister, assign or dispose of his contract or assign, dispose of, or part with any benefit or advantage under it.

12. A person who has entered into the occupation or otherwise assumes control of any premises having telex service shall not be entitled to make use of the telex installation until he has made application for the service; and if any such person makes use of the service before his application is approved he shall be deemed to have assumed the service and (without prejudice to any liability of the subscriber or any right or power of the Department) shall be liable for all amounts owing in respect of the service at the time he entered into occupation or otherwise assumed control of the premises, as well as amounts which become payable in respect of any use of the telex installation after that time.

13. Telex service shall be subject to the annual rates and other charges appropriate to the service provided as prescribed in these regulations. Every service commenced shall be for such minimum period as the Department may determine at the time of application and shall continue thereafter until the subscriber gives notice in writing that the service is to be discontinued or until the Department discontinues the service. Every contract for the hire of any telex installation shall be deemed to be for the minimum period referred to in the application and thereafter until discontinuance of the service as aforesaid, subject to the rights of the Department to discontinue the service, notwithstanding that the minimum period may not have expired.

Service Connection Fee

14. A fee known as a service connection fee, which shall be determined by the Minister from time to time, shall be payable in respect of each new or additional telex installation except in the case of temporary telex service as provided for in regulation 16 hereof, but the Minister may, in any circumstances, waive or reduce the fee. The fee shall be an initial charge only.

Annual Rental

15. (1) Every subscriber to the telex service shall pay an annual rental of £160 for each telex installation leased by the subscriber.

(2) For special services the subscriber shall pay the charge or charges prescribed hereunder:

	Annual Rental	Installation Charge
	£	£
Tape reperator	25	5
Tape transmitter	30	3

Provided that, in the case of a tape reperator, the installation charge shall not be payable if the service is provided at the same time as the subscriber's telex installation.

Temporary Telex Service

16. Where telex service is desired for a shorter term than the period determined under regulation 13 hereof, the service may be granted conditionally on the applicant agreeing in writing to pay a special fee which shall be a weekly rate at one fifty-second of the annual rate plus 50 per cent with a minimum charge as for two weeks, together with the installation and dismantling costs and the value of any material which is used in making the installation and which in the opinion of the Minister is not afterwards conveniently usable.

Liability for Charges

17. In addition to being liable for the payment of charges in respect of the telex installation leased by him, a subscriber shall be liable for the charges payable in respect of all calls emanating from his telex installation and for payment of charges in respect of telegrams emanating from his telex installation.

Call Charges

18. (1) The charge for an inland call shall be 3d. for each 10 seconds' duration or fraction thereof:

Provided that no charge shall be made for a service call.

(2) The charge for a telex call other than an inland call shall be such as the Minister may fix and publish from time to time in the *Post Office Guide*.

System of Payment

19. All charges for telex service payable under these regulations shall be payable on demand.

20. The rental period shall be specified by the Director-General and may be varied from time to time. In the event of any such variation, any necessary adjustments in respect of amounts payable by subscribers may be made.

Defaulting Subscriber

21. If any subscriber fails for seven days after written demand made upon him to pay any instalment of annual charges or any other charge due by him under these regulations, the Director-General may cause the telex service to be discontinued.

22. If a subscriber becomes a defaulter in respect of any charges due under the conditions of contract, or any other telex charges due under these regulations, he shall not be furnished with telex service of any kind until he has discharged any such liability.

23. If the Director-General is satisfied that any service is being obtained either in his own or any other name by a person who is, in the opinion of the Director-General, a defaulter in connection with any telex service furnished by the Department, the Minister may cause the telex service to be discontinued.

24. In the event of any subscriber's telex service being discontinued in accordance with regulation 21 hereof, a reconnection fee of £1 in addition to all other amounts due, shall be payable by the subscriber before the service is restored. If the telex installation at the subscriber's premises has been removed, or if any portion of the circuit has been dismantled, a request or application for restoring the circuit shall be treated as an application for a new telex installation.

Remission of Charges

25. The Minister may remit in whole or in part any charge or sum payable or paid under these regulations.

Telex Directory Listings

26. For each subscriber's telex installation one free entry shall be published in the telex directory to consist of the name or firm name of the subscriber or his nominee, his business, his address, and the telex number and answer-back code. In the case of any entry in which the name or firm name of the subscriber or his nominee is deemed by the Department sufficiently distinctive, any further description of the business necessitating an additional line or lines of print shall be inserted only on payment of the charge prescribed in regulation 27 hereof for an extra entry.

27. Except as provided in regulation 28 hereof, there may be inserted in a telex directory such extra or extended entries as the Director-General may in any case approve. The charges in respect of these entries shall be:

- (a) For each additional entry not exceeding three lines of print, 15s. per annum:
- (b) For each additional line of print in respect of an entry as defined in regulation 26 hereof and for each line beyond three in respect of an additional entry, 5s. per annum.

28. (1) The insertion in the telex directory of any entry in addition to the free entry under regulation 26 hereof shall be deemed to be an additional service afforded on the date of publication of the first issue of the directory in which it appears, and, unless the telex service is sooner discontinued, continuing until the date of publication of the first issue in which it is practicable to comply with directions for countermanding it.

(2) An agent desiring the insertion of the name of the firm or firms he represents shall furnish satisfactory evidence that he is a bona fide agent of any such firm or firms.

29. An irregular combination or arrangement of the legal name of a corporation, partnership, or individual shall not be permitted as an extra entry nor shall any phraseology be allowed to designate the trade or business of the subscriber for the purpose of securing a position out of its

regular order in the alphabetical list published in the directory if in the opinion of the Director-General any such irregular combination, arrangement, or phraseology is inimical to the interest of another subscriber, or in the case where an extra entry has already appeared, has in the opinion of the Director-General, become so inimical.

30. Notwithstanding the provisions of these regulations with respect to the payment of a fee for the insertion of an additional or extended entry, the Director-General may approve the insertion of any additional entry, without charge, which in his opinion will assist the user of the directory to locate a subscriber's telex number.

31. (1) Except with the authority of the Minister, no person shall publish any list of telex subscribers with or without the appropriate telex numbers or answer-back codes or both.

(2) Any person who commits a breach of this regulation shall be liable to a fine not exceeding £50.

Supply of Equipment and Entry to Premises

32. (1) All telex lines, installations, equipment, and fittings in connection with the telex service, except where otherwise provided by these regulations, shall be supplied, erected, installed and maintained by the Department, and, except with the authority of the Director-General, no person other than an employee of the Department provided with proper means of identification shall interfere with, maintain, or make any additions or alterations to any such telex lines, installations, equipment or fittings under the Department's control. In the event of any such interference by unauthorised persons, the subscriber concerned shall be liable to have his telex service discontinued without prejudice to any other liability that may be incurred.

(2) The Minister shall take all reasonable precautions to prevent damage or injury to subscribers or their premises from fire or other cause by reason of the installation of telex apparatus but the Minister shall not be liable for any damage or injury that may arise from the failure of any such precautions.

(3) Employees of the Department showing proper means of identification shall at all reasonable times have access to subscribers' premises where any telex installation or apparatus owned by the Department is installed, for the purpose of inspection, repair, or removal of the telex installation or apparatus.

33. (1) If and when required to do so by the Director-General, a subscriber shall provide at his own expense in all respects a continuous supply of electricity at the pressure and in the manner required by the Department for the installing, operation, and maintenance of the telex installation or any part thereof.

(2) The subscriber shall pay the costs incurred in making such alterations to the telex installation as are necessary to conform to any change made otherwise than by the Department in the method of applying the electricity to the telex installation or in the kind of electric current used, or to prevent harmful effects to the telex installations by electric lines or plant erected on the subscriber's premises.

(3) The subscriber shall leave the electricity supply provided under subclause (1) of this regulation continuously connected to the telex installation except during such periods as the Department may otherwise permit.

Paper and Typewriter Ribbons

34. (1) The paper and typewriter ribbons used in any teleprinter comprised in a telex installation shall be supplied by the subscriber and shall be of a quality, kind, and size for the time being approved by the Department.

(2) Every subscriber shall keep any teleprinter, being part of a telex installation, fitted correctly with paper and a typewriter ribbon in good condition.

Damage to Equipment

35. (1) In the event of any part of the telex installation on the premises of a subscriber being lost, destroyed, or damaged through any means whatever (other than fair wear and tear), the subscriber shall pay to the Department, on demand, the cost to the Department of replacing or repairing any part of the telex installation. Provided that no charge shall be made in respect of any part of the installation accidentally destroyed or damaged by fire, flood, earthquake, or other cause beyond the control of the subscriber.

(2) This regulation shall apply notwithstanding that there has been no negligence on the part of the subscriber or any person for whom he is responsible and notwithstanding that the loss, destruction, or damage may have arisen from some cause not due to the act or fault of the subscriber.

Illegal and Improper Use of Telex Service

36. (1) A subscriber shall not, without the authority of the Department—

- (a) Alter, deface, or remove any telex installation, or any part thereof, or obliterate or deface any marks, words, or numbers thereon;
- (b) Make an attachment to any telex installation, or place anything in electrical connection therewith;
- (c) Place or use in any manner or position in relation to any telex installation anything that may in the opinion of the Department have a harmful effect on the installation or on its use for the purpose for which it is provided; and shall not without any such consent permit or suffer any other person so to do.

(2) A subscriber shall, on being required by the Department so to do, forthwith cease to use and remove anything which has been attached, connected, placed, or used in contravention of subclause (1) of this regulation whether by him or by another person and whether with or without the consent of the Department.

37. (1) A person shall not use a telex installation—

- (a) For sending to any person any message or communication which is offensive or abusive or of an indecent, obscene, or menacing character;
- (b) For the making of calls for the purpose of causing annoyance, inconvenience, or needless anxiety to any person.

(2) The Director-General may refuse to give telex service to any person who contravenes this regulation and may suspend without notice the telex service of any subscriber whose telex installation is used as aforesaid, either at the time the installation is so used or at any time thereafter and may continue any such suspension unless and until such assurance is received as the Director-General may deem sufficient that there will be no further contravention of the provisions of subclause (1) of this regulation.

Interruption to Service

38. (1) Neither the Crown nor the Minister nor any officer of the Post Office shall incur any liability for or on account of or in respect of any loss or damage sustained by reason of any interruption or failure of communications by means of any telex installation, or any failure or error in connection with the taking or giving of messages or telegrams by officers of the Post Office, or any omission or insertion of or error in any entry in a telex directory published by or on behalf of the Minister.

(2) A subscriber shall not be entitled to any abatement of rental because of any interruption, failure, error, or omission referred to in subclause (1) of this regulation.

PART III—MISCELLANEOUS TELEX SERVICES

Messages for Further Transmission by the Public Telegraph System

39. (1) A telex message may be sent by a subscriber to the appropriate receiving station under the control of the Minister for further transmission to the addressee as a telegram by means of the public telegraph system.

(2) The subscriber shall pay for this service—

(a) All charges in respect of the telegram which are payable under the statutory regulations applicable thereto; and

(b) A fee of 3d. in respect of each telegram, or in the case of a telegram to more than one address not being a multiple telegram as defined in the statutory regulations applicable to inland telegrams, the fee shall be 3d. for each address;

but no call charge shall be payable for the call to the receiving station under the control of the Minister.

Removals

40. (1) Subject to the approval of the Director-General, subscribers may have their telex installations removed to other premises, or the position of their telex installations altered, upon giving sufficient notice in writing and paying the appropriate charge prescribed hereunder:

		Charge for Removal		
		£	s.	d.
(a)	Removal to other premises	10	0	0
	But if the telex installation, internal wiring, and outside circuit are in position from a former connection and the installation is taken over without alteration except to the telex number and answer-back code the charge is reduced to	5	0	0
(b)	Removal from one position to another in the same building	8	0	0

(2) In the event of a subscriber removing from or giving up possession of the premises in which the telex installation is situated without making arrangements approved of by the Director-General for the removal of the telex installation or the discontinuance of the service, the Minister may cause the telex service to be discontinued and the subscriber shall continue to be liable for all charges incurred up to and including the time of discontinuation of the service.

Change of Answer-back Code

41. Subject to the approval of the Director-General, a subscriber may have the answer-back code of his telex installation changed upon making application in writing and upon payment of the fee of £5.

Miscellaneous Alterations to Telex Installation

42. In the case of a removal or alteration for which no charge is prescribed elsewhere in these regulations, or for the disturbance of any telex installation by building alterations or renovations the subscriber shall pay the labour and incidental expenses incurred in respect of the removal, alteration, or disturbance.

PART IV—MISCELLANEOUS

Preservation of Post Office Rights

43. In any case where the Minister or the Director-General, pursuant to these regulations, causes any telex service to be discontinued, disconnected, or determined, the discontinuation, disconnection, or determination shall be without prejudice to the right of the Minister to recover any sum due or payable in accordance with these regulations.

General Penalty

44. Any person who commits a breach of these regulations for which no other penalty is herein provided shall be liable on summary conviction to a fine not exceeding £5.

Service of Notices, etc.

45. Any notice, account, statement, direction or other document which may be given, rendered, or made by the Minister or the Director-General under or for any purpose of these regulations or a contract shall be deemed to have been duly given, rendered or made and served if left at or sent by registered post to the address, at or in connection with which the relevant telex installation is required or provided, or to the address stated in the relative contract as the subscriber's address, or to the subscriber's usual or last known place of abode or business in New Zealand.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide for the furnishing of telex services by the Post Office and prescribe conditions relating to the installation and use of any such service.

Fees are prescribed in respect of rentals, calls, directory listings, removals, and other services provided in respect of telex services.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 July 1963.

These regulations are administered in the Post Office.