



THE TELEX REGULATIONS 1977

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 26th day of September 1977
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.

ANALYSIS

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| <p>1. Title and commencement</p> <p style="text-align: center;">PART I
PRELIMINARY</p> <p>2. Interpretation</p> <p>3. Possession of telex installations</p> <p>4. Control and management of telex installations</p> <p>5. Supply of telex services</p> <p style="text-align: center;">PART II
TELEX SERVICES</p> <p>6. Contracts for telex services subject to regulations</p> <p>7. Application for services</p> <p>8. Minister may refuse application or grant subject to conditions</p> <p>9. Provision of telex installations</p> <p>10. Joint use of telex</p> <p>11. New owner of premises having telex service</p> <p>12. Period of service</p> <p>13. Service connection fee</p> <p>14. Rental</p> <p>15. Temporary telex service</p> <p>16. Liability for charges</p> <p>17. Call charges</p> <p>18. Payment of charges</p> <p>19. Rental period</p> <p>20. Discontinuance of service of defaulting subscriber</p> <p>21. Remission of charges</p> <p>22. Telex directory listings</p> <p>23. Additional directory listings</p> | <p>24. Conditions of listings</p> <p>25. Free additional entry</p> <p>26. Publication of list of subscribers</p> <p>27. Supply of equipment and entry to premises</p> <p>28. Supply of electricity</p> <p>29. Paper and typewriter ribbons</p> <p>30. Damage to equipment</p> <p>31. Illegal and improper use of service</p> <p>32. Offensive and abusive calls</p> <p>33. Interruption to service</p> <p style="text-align: center;">PART III
MISCELLANEOUS TELEX SERVICES</p> <p>34. Messages for further transmission by public telegraph system</p> <p>35. Public telex booths</p> <p>36. Telex messages for delivery by the Post Office (TelTex)</p> <p>37. Messages lodged by telephone for telex delivery by the Post Office (Phonatelex)</p> <p>38. Removals</p> <p>39. Change of teleprinter</p> <p>40. Change of answer-back code</p> <p>41. Miscellaneous alterations to telex installation</p> <p style="text-align: center;">PART IV
MISCELLANEOUS</p> <p>42. Preservation of Post Office rights</p> <p>43. General penalty</p> <p>44. Service of notices, etc.</p> <p>45. Revocations
Schedule</p> |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the *Telex Regulations 1977*.

(2) These regulations shall come into force on the 1st day of October 1977.

PART I—PRELIMINARY

2. Interpretation—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 1977*:

“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.

3. Possession of telex installations—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.

4. Control and management of telex installations—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.

5. Supply of telex services—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

6. Contracts for telex services subject to regulations—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.

7. Application for services—(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.

8. Minister may refuse application or grant subject to conditions—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.

9. Provision of telex installations—Upon payment of the charges prescribed in regulation 14 of these regulations, the Department will, in accordance with the contract made with the subscriber, provide all necessary telex installations and maintain the same.

10. Joint use of telex—(1) 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.

(2) Except as provided in subclause (3) of this regulation, a telex installation shall be used only with respect to the affairs of the subscriber.

(3) Upon application being made in writing on a form supplied for the purpose by the Director-General, the Minister may grant to any subscriber a licence to send and receive telex traffic on behalf of such other persons as may be specified therein.

(4) Each such licence issued shall be subject to the conditions specified therein.

(5) For each such licence issued there shall be payable a monthly licence fee of \$6.25 together with a monthly charge of \$5 in respect of each person on whose behalf the subscriber is licensed to send and receive telex calls.

11. New owner of premises having telex service—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.

12. Period of service—Telex service shall be subject to the 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.

13. Service connection fee—A service connection fee of \$100 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 15 hereof, but the Minister may, in any circumstances, waive or reduce the fee. The fee shall be an initial charge only.

14. Rental—Every subscriber to the telex service shall pay the following charges for each telex installation leased by him:

	Each Month
	\$
(a) For non-tape installation	112.50
(b) For installation with tape facilities	150.00

Provided that where, in special circumstances approved by the Director-General, a telex installation does not include a teleprinter, the charges for the installation shall be \$44 per month.

15. Temporary telex service—Where telex service is desired for a shorter term than the period determined under regulation 12 hereof, the service may be granted conditionally on the applicant agreeing in writing to pay a special fee which shall be a weekly rate of \$39 for a non-tape installation or \$51 for an installation with tape facilities, with a minimum charge as for 2 weeks, together with the service connection fee, as prescribed in regulation 13 hereof.

16. Liability for charges—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.

17. Call charges—(1) The charge for an inland call shall be 7.5 cents for each 8 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*.

18. Payment of charges—All charges for telex service payable under these regulations shall be payable on demand.

19. Rental period—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.

20. Discontinuance of service of defaulting subscriber—(1) If any subscriber fails for 7 days after written demand made upon him to pay any charge due by him under these regulations, the Director-General may cause the telex service to be discontinued.

(2) 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.

(3) 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.

(4) In the event of any subscriber's telex service being discontinued in accordance with subclause (1) of this regulation, a reconnection fee of \$15 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.

21. Remission of charges—The Minister may remit in whole or in part any charge or sum payable or paid under these regulations.

22. Telex directory listings—(1) One free entry shall be published in the telex directory in respect of the following:

(a) Each subscriber's telex installation:

(b) Each person on whose behalf the subscriber is licensed to send or receive telex calls.

(2) Each such entry shall be limited to 3 lines of print and shall consist of the name or firm name of the person entitled to the listing or his nominee, his business, his address, and the telex number or answer-back code. In the case of an entry which the Department deems sufficiently descriptive, any further description necessitating an additional line or lines of print in excess of 3 shall be inserted only on payment of the charge prescribed in regulation 23 hereof for an extra entry.

23. Additional directory listings—(1) Except as provided in subclause (2) of this regulation, 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 3 lines of print, \$1 per month:

(b) For each additional line of print in respect of an entry as defined in regulation 22 hereof and for each line beyond 3 in respect of an additional entry, 63 cents per month.

(2) The insertion in the telex directory of any entry in addition to the free entry under regulation 22 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.

(3) 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.

24. Conditions of listings—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.

25. Free additional entry—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.

26. Publication of list of subscribers—(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 \$100.

27. Supply of equipment and entry to premises—(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.

28. Supply of electricity—(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.

29. Paper and typewriter ribbons—(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.

30. Damage to equipment—(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.

31. Illegal and improper use of service—(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 persons to do so.

(2) A subscriber shall, on being required by the Department to do so, 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.

32. Offensive and abusive calls—(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.

33. Interruption to service—(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

34. Messages for further transmission by public telegraph system—(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 all charges in respect of the telegram which are payable under the statutory regulations applicable thereto; but no call charge shall be payable for the call to the receiving station under the control of the Minister.

35. Public telex booths—(1) The Minister may from time to time establish public telex booths, either in premises provided by the Department or elsewhere, on a permanent or temporary basis, to which members of the public may have access for the purpose of making an inland or international telex call.

(2) The charge for each telex call from any public telex booth shall be the total of—

(a) The normal telex call charge as prescribed by regulation 17 of these regulations, or, in the case of a telegram, all charges which are payable under the statutory regulations applicable thereto; and

(b) A service charge of 60 cents for each period of 15 minutes or fraction thereof during which the equipment and facilities are used; and

(c) Where the services of an operator are supplied by the Department, such charge as the Minister may from time to time determine and publish in the *Post Office Guide*.

(3) The charges payable under subclause (2) of this regulation may be debited to any telex installation or telephone station. An additional charge of 20 cents shall be payable for this service.

36. Telex messages for delivery by the Post Office (TelTex)—(1) A telex message may be sent by a subscriber to the appropriate receiving station under the control of the Minister for delivery to an addressee who is within the telegram free delivery area of the receiving station. Such message shall be delivered as presented by the subscriber with no liability on the Crown or the Minister or any officer of the Department for any errors or omissions therein.

(2) The subscriber shall pay for this service the total of:

(a) The inland call charge as prescribed by regulation 17 of these regulations; and

(b) A service fee of 90 cents:

Provided that where, in special circumstances approved by the Director-General, this service is provided outside its normal hours as published from time to time, the service fee shall be twice this amount.

(3) The following supplementary services shall be available in respect of this service:

	Additional Charge Payable
(a) Collect (being in respect of the collection from the addressee of charges other than the inland call charge)	20c
(b) Urgent (being in respect of urgent delivery from the receiving station)	35c
(c) Prepaid reply (being the charge for the issue of a telegram voucher at the receiving station)	As for an ordinary telegram

(4) The service provided by subclause (1) of this regulation shall apply to a telex message sent by an overseas telex subscriber with the following modifications:

(a) In lieu of the charge prescribed by subclause (2) of this regulation, the charge payable for this service shall be the total of—

(i) The service fee as prescribed by paragraph (b) of the said subclause (2); and

(ii) The collect charge as prescribed by paragraph (a) of subclause (3) of this regulation:

(b) This charge shall be payable by the addressee.

37. Messages lodged by telephone for telex delivery by the Post Office (Phonatelex)—(1) A message may be lodged with the Post Office by telephone for a transmission by telex to a telex subscriber overseas or elsewhere in New Zealand.

(2) Such messages shall be accepted and transmitted with no liability on the Crown or the Minister or any officer of the Department for any errors or omissions therein.

(3) The charge for each message shall be the total of—

(a) The normal telex call charge as prescribed by regulation 17 of these regulations; and

(b) A service fee of \$1.50 for each message plus 50 cents for each minute, or part thereof, of transmission time.

(4) The charges payable under subclause (3) of this regulation may be debited to any telephone station or telex installation. An additional charge of 20 cents shall be payable for this service.

38. Removals—(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:

	\$
(a) Removal to other premises	100
Provided that 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	20
(b) Removal from one position to another in the same building	60

(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.

39. Change of teleprinter—(1) Subject to the approval of the Director-General, a subscriber may, upon making application in writing, have the telex installation changed from non-tape to one with tape facilities, or vice versa, or from one model teleprinter to another.

(2) The subscriber shall pay for this service a fee of \$100:

Provided that the Director-General may, in his discretion, waive or reduce the fee.

40. Change of answer-back code—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 \$20.

41. Miscellaneous alterations to telex installation—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

42. Preservation of Post Office rights—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.

43. General penalty—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 \$10.

44. Service of notices, etc.—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.

45. Revocations—The regulations set out in the Schedule to these regulations are hereby revoked.

SCHEDULE

Reg. 45

REGULATIONS REVOKED

Title	Serial Number
The Telex Regulations 1963	1963/133
The Telex Regulations 1963, Amendment No. 1	1966/180
The Telex Regulations 1963, Amendment No. 5	1971/136
The Telex Regulations 1963, Amendment No. 6	1971/200
The Telex Regulations 1963, Amendment No. 7	1972/106
The Telex Regulations 1967, Amendment No. 8	1976/20

P. G. MILLEN,

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 consolidate and amend the Telex Regulations 1963 and their amendments and increase the fixed charges and introduce a Phonatelex service with effect from 1 October 1977.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 September 1977.

These regulations are administered in the Post Office.