

**THE TANZANIA POSTS AND TELECOMMUNICATIONS
CORPORATION ACT, 1977**

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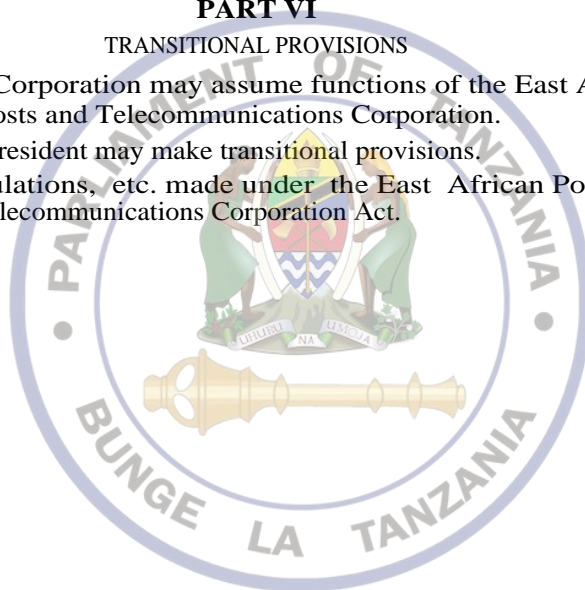
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THE UNITED REPUBLIC OF TANZANIA



No. 15 OF 1977

I ASSENT

Julius K. Nyerere
President

30TH..NOVEMBER, 1977

An Act to provide for the establishment of a Corporation to be known as the Tanzania Posts and Telecommunications Corporation, for the functions of the Corporation and for purposes connected with the Corporation

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Tanzania Posts and Telecommunications Corporation Act, 1977, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

short
title and
commence-
ment

2.-(1) In this Act, unless the context otherwise requires-
"addressee" means the person to whom any postal article or telegram is addressed;

Interpre-
tation

"authorized" in relation to an officer or employee of the Corporation, means an officer or employee authorized by the Director-General to excise the powers or perform the duties in respect of which the expression is used;

"the Board" means the Board of Directors of the Corporation provided for by section 5;

"the Corporation" means the Tanzania Posts and Telecommunications Corporation established by section 4;

"customs law" means any law in force within the United Republic imposing, or relating to the collection of, customs or excise duties or transfer tax;

"Director-General" means the Director-General of the Corporation appointed under section 7;

"export", in relation to any article means to transfer the article from any part of the United Republic to a foreign country;

- "fictitious postage stamp" means any facsimile or imitation or representation of any postage stamp;
- "franking machine" means a machine for the purpose of making impressions on postal articles to denote prepayment of postage and includes any meter or meters and any franking or datestamping die or dies incidental thereto;
- "import" in relation to any article, in to bring the article within any part of the United Republic from a foreign country;
- "local authority" means any city council, municipal council or board, township authority, district council or committee, or other similar authority, established for the purpose of controlling or managing any city, municipality, town or local area;
- "mail bag" means any bag, box, basket, parcel or other envelope or covering in which postal articles are conveyed, whether it does or does not contain any postal article;
- "mail vessel" means any vessel in relation to which there exists any agreement for the conveyance of mails;
- "master" when used in relation to a vessel or any aircraft, means any person in charge of the vessel or the aircraft;
- "Minister" means the Minister for the time being responsible for matters relating to posts and telecommunications;
- "money orders" includes postal orders;
- "money order services" means the services performed and facilities provided in connection with the remission, in accordance with regulations made under this Act, of sums of money from one place to another through the Corporation by means of money orders;
- "postage stamp" means the amount chargeable for the transmission by post of postal articles;
- "postage stamp" means any label, stamp or device currently valid for denoting any rate of postage payable in respect of postal articles issued under this Act or by the postal administration of any foreign country;
- "postal article" includes any letter, postcard, newspaper, book, document, pamphlet, pattern, sample packet, small packet, parcel, package or other article whatsoever in course of transmission by post;
- "post frank" means any instrument for making an impression, and any impression, denoting that a postal article may be transmitted through the post without prepayment of postage;
- "postal service" means the services performed and facilities provided in connection with-

- (a) the collection, transmission and delivery, whether by hand, by water or by air from one place, whether within or without the United Republic, to another place, whether within or without the United Republic, of postal articles;
- (b) the issue of postage stamps and the use of franking machines;
- (c) the issue and payment of money orders for the remission of money through the Corporation;

"Post office" includes every house, building, room, receptacle, vessel, vehicle or place used for the purposes of the Corporation;

"Post Office Guide" means the document published by the Corporation containing any matter required under this Act to be published in the Guide;

"post office letter box" means any receptacle provided by the authority of the Director-General for the reception of postal articles;

"private bag" means a bag provided exclusively for the reception of postal articles intended for the user of the bag;

"Private box" means a receptacle at a post office provided exclusively for the reception of postal articles intended for the user of the box;

"public broadcasting" means transmission, by an authorized broadcasting station, of music, speech and entertainment in, sound alone, or sound and vision, intended primarily for reception by the general public;

"public telegraph licence" means a telegraph licence granted under section 70;

"public telephone licence" means a telephone licence granted under section 59;

"the purposes of the Corporation," means any purposes necessary or desirable for the performance of the services, or the provision of the facilities, which the Corporation is authorized or required to perform or provide under this Act;

"radio communication" means the omitting or receiving over paths which are not provided by any material substance constructed or arranged for the purpose, of electro-magnetic energy of such frequency as may be prescribed by regulations made under this Act being energy which either-

- (a) serves for the conveying of messages, sound or visual images (whether the messages, sound or visual images are actually received by any person or not) or for the actuation or control of machinery or apparatus; or
- (b) is used, in connection with the determination of position, bearing or distance, or for the gaining of information as to the presence, absence, position or motion of any object or of any objects of any class;

"radio communication apparatus" or "radio communication station" means any apparatus or station, as the case may be, for the emitting or receiving of radio communication; and where-

- (a) any radio communication apparatus or station cannot lawfully be used without a radio communication licence. or could not lawfully be used without a licence but for regulations made under section 89;
- (b) any radio communication in the form of messages, sound or visual images is received by that apparatus or station; and
- (c) any apparatus is electrically coupled. with that apparatus or station for the purpose of enabling any Person to receive any messages, sound or visual images.

the apparatus so coupled shall itself be deemed, for the purposes of this Act, to be radio communication apparatus;

"radio communication licence" means any licence granted by the Director-General under section 86;

"radio communication services" means the services performed and the facilities provided in connection with the transmission Of communications by means of radio communication apparatus;

"shillings" in relation to any transaction, means shillings in the currency of the United Republic in which the transaction occurs;

"telecommunications services" means the radio, communication services, the telegraph services and the telephone services;

"telegraph apparatus" means any apparatus, equipment or other thing used or intended to be used in connection with the transmission of communications or visual images by means of electric signals from one place to another either along a wire joining those two places, or partly by wire and partly by radio communication, or wholly by radio communication:

Provided that any apparatus, equipment or other thing used, or intended to be used, solely for the transmission of signals by lights, bells or buzzers from one part of a building to another part of the same building shall not be deemed to be telegraph apparatus for the purposes of this Act;

"telegram" means any communication or visual image delivered to the Corporation, or to the holder of a telegraph licence, intended for transmission by telegraph apparatus; any communication Or visual image of that description in the course of transmission; and any communication or visual image of that description delivered by the Corporation or holder of a telegraph licence, to the addressee or to any person for the addressee;

"telegraph licence" means any licence granted by the Director -General under section 70;

"telegraph line" means any wire or tube used for the purposes of the telegraph services and any apparatus connected with it;

"telegraph pole,, means any pole, post, tree or other thing used for the purpose of supporting any telegraph line;

"telegraph services" means the services performed and facilities provided in connection with the transmission of communications by means of telegraph apparatus;

"telephone" means an instrument used or intended to be used by any person transmitting or receiving any communication, by means of the telephone services;

"telephone apparatus" means any apparatus, equipment or other thing used or intended to be used in connection with the transmission of spoken communications by means of electricity from one place to another either, along a wire joining those two places or Partly by wire from each of those two, places and partly by radio communication;

"telephone licence" means any licence granted by the Director-General under section 59;

"telephone line" means any wire used for the purposes of the telephone services and any apparatus connected with it;

"telephone pole" Means any pole, post, tree or other. thing used for the purpose of supporting any telephone line;

"telephone service" means the services performance and facilities provided in connection With the transmission Of spoken communications by means of telephone apparatus;

"watercourse" means any river, stream, gully or channel, whether artificial or not, *in which* water flows, whether constantly or -intermittently.

(2) For the purposes of this Act-

- (a) a postal article shall be deemed to be in course of transmission by Post from the time Of its being Posted at. or delivery to a post office to the time of its being delivered to. or taken delivery of by, the addressee on of its being returned to the sender or otherwise disposed of under the provisions of this Act;
- (b) 'he placing of an article In any Post Office letter box or the delivery of an article to an employee of the Corporation or to a person employed In connection With the postal services in the course of his duties, shall be deemed to be delivery to a post office;
- (c) the delivery of a postal article at the house or office of the addressee or to the addressee (or to his servant or agent or other Person considered to be authorized to receive the article according to the usual manner of delivery postal articles to the addressee) or the inclusion of a postal article in the addressee's private box or private bag (or where the addressee's is a guest or is resident at an hotel, the delivery of a postal article to the proprietor or manager thereof or to his agent) Shall be, deemed to be delivery to the addressee.

- (3) For the purposes of this Act-
- (a) any reference to the emission of electro-magnetic energy or to emission . shall be construed as including a reference to the deliberate reflection of electro-magnetic energy by means of any apparatus designed or specially adapted for that purpose whether the reflection is continuous or intermittent;
- (b) interference, in relation to radio communication, in s the prejudicing by any emission or reflection of electro-magnetic energy of the fulfilment of the purposes of radio communication either generally or in part and, without prejudice to the generality Of the foregoing, as respects all, or as respects any, of the recipients or intended recipients of any message, sound or visual image intended to be conveyed by the radio communication;
- (c) in considering whether in any particular case any interference with any radio communication caused or likely to be caused by the use of any apparatus is or is not undue interference, regard shall be had to all the known circumstances of the case and the interferences shall not be regarded as undue interferences if so, to regard it would unreasonably cause hardship to the person using or desiring to use the apparatus.

This Act to apply notwithstanding the East African Posts and Telecommunications Corporation Act

3. Notwithstanding the provisions of the East African Posts and Telecommunications Corporation Act of the Community the Corporation established by this Act, shall, as from the commencement of this Act, have the powers, duties, functions and responsibilities vested in it by this Act and in the event Of any conflict or duplicity between any provision of the East African Posts and Telecommunications Corporation Act and this Act, the provisions of this Act shall prevail in relation to all matters arising after the commencement of this Act-

PART II

ESTABLISHMENT OF THE CORPORATION AND MANAGEMENT OF THE CORPORATION

Establishment and incorporation of the Tanzania Posts and Telecommunications Corporation

4.-(1) There is hereby established a Corporation which shall be known as the Tanzania Posts and Telecommunications Corporation.

(2) The Corporation shall be a body corporate with perpetual succession and an official seal and shall be capable in law of suing and being sued in its corporate name, of purchasing, holding, alienating managing and disposing of any Property, whether movable or immovable, and whether by way of investment or in any other way. and of entering into any such contract as may be necessary or expedient for the performance of its functions under this Act or any other written, law.

Board of Directors

5.-(1) There shall be a Board of Directors of the Corporation which shall, subject to the provisions of this Act, carry out the functions and manage the business and affairs of the Corporation.

(2) The provisions of the First Schedule to this Act shall have effect as to the constitution and proceedings of the Board and in respect of other matters relating to the Board.

(3) The Minister may, by order published in the *Gazette*, vary or replace all or any of the provisions of the First Schedule.

6. (1) Subject to subsection (2), the members of the Board shall be entitled to such remuneration, fees or other allowances for expenses as the Minister may, upon the recommendation of the Board, determine from time to time.

Remuneration of members of the Board

(2) No remuneration, fees or other allowances, except such allowances for expenses as may be expressly authorized by the Minister, shall be paid to any member of the Board who is a public officer.

7.-(1) The President shall appoint a Director-General of the Corporation who shall be the chief executive officer of the Corporation.

Appointment of Director General and other employees

(2) The Board may, from time to time, appoint such number of other employees of the Corporation as it may deem necessary for the proper and efficient conduct of the business and activities of the Corporation.

8. The Board may, with the approval of the Minister-

Superannuation benefits

- (a) grant gratuities or other retirement allowances or benefits to employees of the Corporation;
- (b) establish, and contribute to, a superannuation fund or medical benefits fund for the employees of the Corporation;
- (c) require any employee of the Corporation to contribute to the superannuation fund or medical benefits fund and fix the amount and method of the contribution.

9. (1) Subject to subsection (4), the Board may, from time to time, by instrument in writing under the seal of the Corporation, delegate to any committee of the Board or to any employee of the Corporation any of its functions or powers under this Act and where a delegation has been made the delegated function or power may be exercised by the delegate in accordance with the terms of the instrument of delegation.

Power of Board to delegate

(2) A delegation under this section may be made to the holder of an office under the Corporation specifying the office but without naming the holder, and in that case each successive holder of the office in question and each person who acts in, occupies or performs the duties of, that office may, without further authority, exercise the delegated function or power in accordance with the delegation made.

(3) The Board may at any time revoke a delegation made under this section and no delegation made under this section shall prevent the Board from itself exercising the function or power delegated.

(4) The Board shall not delegate —

- (a) its power to delegate; or
- (b) the power to approve the annual budget or any supplementary budget, the annual balance sheet or any statement of account,

PART III

FUNCTIONS AND POWERS OF THE CORPORATION

General

10. (1) It shall be the general duty of the Board, by means of the undertaking of the Corporation-

General duty of the Board

- (a) to provide postal services and telecommunications services within the United Republic and to countries outside the United Republic;
- (b) to regulate and control radio communications operated from or received in the United Republic;
- (c) subject to section 99, to manage and control, on behalf of the United Republic and in accordance with the laws of the United Republic, Savings Banks.

(2) The performance of the general duty referred to in subsection (1) shall include a general duty to secure-

- (a) the fullest development, consistent with economy, of the undertaking of the Corporation;
- (b) that the undertaking of the Corporation is operated efficiently, economically and with due regard to safety;
- (c) that the financial administration of the Corporation is conducted in accordance with the provisions of this Act;
- (d) that the Corporation provides all reasonable facilities for the transmission of postal articles by means of the special services, for the remission of money by means of money order services and for communication by means of the telephone and telegraph services;
- (e) that no particular person is given undue preference Or subjected to undue disadvantage:

Provide that notwithstanding the provisos of this, paragraph, the Board-

- (i) may afford priority to the Government of the United Republic m, the transmission of communications;
- (ii) may afford priority to any category of person in the installation. of telephone apparatus where the circumstances, in the opinion of the Director-General, do not permit of the installation of telephone apparatus in The case of all persons making application for telephone apparatus.

Powers of the Corporation as a statutory body

ii.-(1) The Corporation shall have power-

- (a) to establish and operate postal services and to convey from one place to another, whether by land, by water or by air, all postal articles and to perform all the incidental services of receiving collecting, sending, dispatching and delivering all postal articles;
- (b) to establish and operate money order services and to remit from one place to another money by means of money orders and perform all the incidental services of issuing, receiving and paying oil money orders.

- (c) to establish and operate telephone services and to perform all the incidental services of providing, installing and maintaining the necessary telephone apparatus, receiving and booking calls, and connecting one telephone with any other telephone;
- (d) to establish and operate telegraph services and to transmit from one place to another, by means of the telegraph services, all communications which the sender desires to send by telegrams and to perform all the incidental services of receiving, collecting, despatching and delivering telegrams;
- (e) to establish and operate radio communication services, to regulate and control radio communication and to provide, install and maintain the necessary equipment for any other person authorized to operate radio communication.

(2) Subject to the provisions of this Act, the powers conferred by subsection (1) shall include all such powers as are necessary or advantageous and proper for the purposes of the Corporation, and in particular, but without prejudice to the generality Of the foregoing, shall include power-

- (a) to enter into such contracts as may be necessary for the purposes of the Corporation or for carrying into effect the provisions of this Act;
- (b) to establish, acquire construct and maintain post offices, telephone offices, telegraph offices, radio communication offices, buildings or any other necessary or desirable works required for the purposes of the Corporation;
- (c) to acquire, construct, manufacture, maintain or repair anything required for the purposes of the Corporation;
- (d) to carry on any business necessary or desirable to be carried on for the purposes of the Corporation;
- (e) to acquire, construct, manufacture, maintain or repair electric generating plant or any other works, plant or apparatus necessary or desirable for the supply, storage or transmission of electric energy for the purposes of the Corporation;
- (f) to determine, impose and levy rates, charges or fees for any services performed by the Corporation, or for the use by any person of the facilities provided by the Corporation, or for the grant tot any person of any licence, permit or certificate issued under this Act;
- (g) prohibit, control or regulate-
 - (i) the use by any person of any of the services performed or facilities provided by the Corporation; or
 - (ii) the presence of any person or article on premises occupied by the Corporation for the purposes of the Corporation;
- (h) to sell, let or otherwise dispose of any property moveable or immovable, which, in the opinion of the Board, is not necessary for the purposes of the Corporation: .

Provided that the Corporation shall not so sell, let or dispose of any building on land placed at its disposal by the Government of the United Republic except with the consent of, and under conditions agreed by, the Government;

- (i) to provide houses and other accommodation for employees Of the Corporation;
- (j) to act as agent for any person engaged, whether within the United Republic or elsewhere, in the performance of services, or the provision of facilities, of a kind similar to those performed by the Corporation;
- (c) to act as agent for any service of the Government of the United Republic, in the performance of any agreed function
- (1) to enter into agreements with any person-
 - (i) for the supply, construction, manufacture, maintenance and repair by that person of any property, moveable or immovable, necessary or desirable for the purposes of the Corporation,
 - (ii), for the performance or the provision by that person of any of the services or facilities which may be performed or provided by the Corporation;
 - (iii) for the payment, collection or apportionment of any rates, charges, fees or other receipts arising out of the performance or the provision by that person of any of those services or facilities,
 and for those purposes to finance, or assist in financing the activities of that person whether by way of loan, &e holding of stocks, shares or securities, the guaranteeing of interest or dividends on any stocks, shares or securities or in any other way; and
- (m) to hold shares in, any other Corporation and a to establish or acquire any subsidiary corporation.

(3) For the avoidance of doubt, it is hereby declared ~ that subsections (1) and (2) relate only to the capacity of the Corporation as a statutory corporation and including in those provisions shall be construed as authorizing the disregard by the Corporation Of any law.

(4) In the exercise of the powers conferred on the Corporation under this section to construct or execute any works the Corporation may construct or execute any works necessary on land vested in the Corporation or on land placed at its disposal by the Government Of the United Republic for the purposes of the Corporation or, in the case of land not so vested in or placed at the disposal of the Corporation, only with the agreement of the owner of the land on which the works are to be constructed or executed, and where any land is required by the Corporation for the purposes of the Corporation the Corporation shall make representations to the President and the President may proceed to acquire the land in accordance with the provisions of any written law relating to the acquisition of land for public purposes.

Powers
of the
Minister in
relation to
the Corporation

12. The Minister shall be responsible for the general direction and control of the Corporation and may, for that purpose

- (a) give directions of a general nature to the Board relating to the exercise by the Board of the functions of the Corporation and the management of the business and affairs of the Corporation:

- (b) approve any major alterations in the tariffs, rates and other charges made for the services provided by the Corporation;
- (c) approved any individual capital work, for the purposes of the Corporation;
- (d) give particular directions to the Board concerning any matter involving agreement with, or the interest of, any foreign country.

13. In the performance of its duty under section 10 of this Act, and subject to any directions which may 'be given to it by the Minister, the Board may-

Powers of
the Board

- (a) approve any minor alteration in the tariffs, rates and other charges;
- (b) approve any individual capital work, for the purposes of the Corporation, not included within a programme of works approved by the minister of which the estimated cost does not exceed such sum as the Minister may determine;
- (c) establish, from amongst its members, Committees for the purposes of the Corporation and delegate functions to those Committees;
- (d) consider legislative proposals and recommend their enactment to the Minister;
- (e) subject to the provisions of section 21 of this Act, provide services or facilities requested by the government of any other country;
- (f) approve any alternation in the organization Or establishment of the Corporation other than an alteration referred to in paragraph (e) of section 14 of this Act;
- (g) give directions to the Director-General.

14. Subject to the directions of the Board, the Director-General may-

Power
of the
Director
General

- (a) establish and operate postal and telecommunications services and services, including agency services for the Government of the United Republic which may conveniently be performed in association with those services';
- (b) regulate and control radio communications;
- (c) approve recurrent expenditure within limits determined by the Board;
- (d) approve any individual capital work of which the estimated cost does not exceed such sum as the Minister may determine;
- (e) approve any alteration in involving a major reorganization or a other than an alteration involving a major reorganization or a substantial reduction in the number of employees;
- (f) allocate functions and delegate his powers under this Act to employees of the Corporation; and
- (g) perform the duties and exercise the powers imposed on or vested in him by any, other written law.

Powers
under law
to suvery

15.-(I) Any authorized employee of the Corporation may, for the purposes of the Corporation-

- (a) enter upon any land and survey the land or any portion of it;
- (b) enter upon any land in order to construct, erect, place, maintain, examine, alter or remove any telephone or telegraph line or pole or radio route installation which is the property of the Corporation.
- (2) Where any damage to land is caused, by reason of the exercise of the powers conferred by this section, the owner or occupier of the land shall be entitled to receive compensation for it from the Corporation in accordance with this Act.

Power to
erect, etc.,
telephone
lines, etc.,
on any
property

16-(I) The Corporation may, for the Purposes of the Corporation, construct, erect, place, maintain, alter or remove telephone and telegraph lines and poles and radio route installations in, on, over, under, along or across any land, building, road, railway, watercourse, harbour or branch of the sea

Provided that-

- (a) the Corporation shall not acquire any right other than that of user only in the property in, on, over, under, along or across which the lines Or Poles Or radio route installations are constructed, erected or placed;
- (b) the Corporation shall not construct, erect, place, alter, or remove any telephone or telegraph lines or Poles or radio route installations in, on, over, under, along or across any such property unless it has given reasonable notice of its intention to exercise the power to the owner or occupier of the property or to the local authority having the control or management of the property.
- (2) In the exercise of its powers under this section the Corporation may-
 - (a) cut and remove all such trees and underwood as interfere or are likely to interfere with the construction, erection, placing, maintenance, alteration or removal of any existing or proposed telephone or telegraph lines or poles or radio route installations;
 - (b) utilize any tree or building for the construction, erection, placing or maintenance of any telephone or telegraph line or pole or radio route installation;
 - (c) open or break up any road and-
 - (1) alter the position of any pipe for the supply of water, gas Or compressed air, or the position of any drain not being a main drain:

Provided that, in any case where the Corporation exercises its powers under this paragraph the Corporation shall make arrangements to ensure that there shall not be any undue interference with the supply of water, gas or compressed air or with the maintenance of drainage or with the continuance of telephonic or telegraphic communication; or

- (ii) require the owner of any electric supply line to alter the position of the electric supply line to the satisfaction of the Director-General; and if the position of the electric Supply line is so altered from a position which had been approved in writing by the Director-General, the cost of the alteration shall be borne by the Corporation:

Provided that, where an undertaker (as defined for the purposes of section 19) does not agree to alter the position of an electric supply line which, prior to the commencement of this Act, has been laid in a position which has not been so approved in writing, the Director-General may refer the matter to the Minister responsible for lands and thereupon the provisions of subsection (5) and (6) of section 19 shall apply.

(3) Where the Corporation exercises any power under this section in relation to any property under the control or management of a local authority, the authority may authorize a representative to execute the work to the satisfaction of the representative; and any reasonable expense to which the local authority is put arising out of the exercise of the power and out of any supervision shall be borne by the Corporation.

(4) Where the Corporation, in the exercise of any power under this section, constructs, erects, or places any telephone or telegraph line or pole or radio route installation in, on, over, under, along or across any-

- (a) watercourse, harbour or branch of the sea, it shall be so constructed erected or placed as not to hinder or obstruct navigation;
- (b) road or railway, it shall be so constructed, erected or placed as not to hinder, obstruct or interfere with, the passage along the road or railway.

(5) Where any damage is caused to property by reason of the exercise of the powers conferred by this section, the owner or occupier of the property shall be entitled to receive compensation for it from the Corporation in accordance with this Act.

17. (1) Where any telephone or telegraph line or pole or radio route installation has under the provisions of this Act been constructed, erected or placed, in, on, over, under, along or across any property under the control or management of a local authority and that authority considers it expedient, having regard to circumstances which have arisen since the line or pole or radio route installation was so constructed, erected or placed, that the line or pole or radio route installation should be removed or that its position should be altered, that authority may require the Corporation to remove it or to alter its position, as the case may be, and-

Removal of
telephone
lines etc.,
erected on
any property

- (a) if the authority had agreed in writing to the Position of the line or pole or radio route installation, then the Corporation shall comply with the requirement and the cost of the removal or alteration shall be borne by the local authority;
- (b) if the authority had not agreed in writing to the position of the line or pole or radio route installation, then-

- (i) if the Director-General agrees to the removal or alteration, as the case may be, the Corporation shall comply with the requirement and the cost Of the removal or alteration shall be borne by the Corporation;
- (ii) if the Director-General does not agree to the removal or alteration, as the case may be, the matter shall be referred to the Minister responsible for lands and the decision of the Minister as to the removal Or alteration and as to the payment or apportionment of the cost shall be final.

(2) Where any telephone Of telegraph line or Pole or radio route instal_ lation has under the provisions of this Act been constructed, erected or placed in on over, under, along or across any property, other than Property under the control or management of a local authority, and any person entitled to do so desires-

- (a) to erect on the property a building which would interfere with the telephone or telegraph line or pole or radio route installation her temporarily or Permanently, he may require the Corporation to remove it or to alter its Position, as the case may be, and the Corporation shall comply with the requirement and the cost of the removal or alteration shall be borne by the Corporation:

Provided that, if the telephone or telegraph line or pole or radio rout installation, had bee" Placed in its position in order to making the requisition, then the cost of the removal or alteration Provide telephone or telegraph services solely for the person shall be borne by that person.;

- (b) to deal with the property in a manner, other than by the erection of a building, which renders it desirable that the line or pole or radio route installation should, either temporarily or permanently, be removed Or that its Position should be altered. he may require the Corporation so to remove it or to alter its Position', as the case may be, and the Corporation may either_
 - (i) Comply with the requirement and agree that the cost of the removal or alteration shall be borne by the Corporation;
 - (ii) comply with the requirement subject to the cost, or any part of it, of the removal or alteration being borne by the person and the deposit. with the Corporation. of such sum in con. tribution to the cost as the Director-General may require; or
 - (iii) refuse to comply with the requirement, in which event the Person may Apply to a Resident Magistrate within while jurisdiction the property is situate for an order as to the removal or alteration and the payment of the cost; and that order shall be final.

Power to
enter land
to prevent
accident, etc.

18--(1) Any authorized employee of the Corporation May, for the Purpose Of Preventing the occurrence of any accident, restoring the etc. proper operation of any telephone or telegraph services Provided by the corporation Or repairing any damage caused by any accident enter upon any land and-

- (a) cut down or remove any tree, underwood or other obstruction, not being a building, which endangers or interferes with or is likely to endanger or interfere with the telephone or telegraph lines or poles or radio route installation;
- (b) execute such other works as may be necessary to prevent the occurrence of any accident or to restore the proper operation of telephone or telegraph services or to repair any damage caused as a result of any accident.

(2) Where any damage is caused to property by reason of the exercise of the powers conferred by subsection (1), the owner or occupier of the property shall be entitled to receive compensation for it from the Corporation in accordance with this Act:

Provided that, if any tree, underwood or other obstruction cut down or removed under subsection (1) (a) came into existence subsequent to the telephone or telegraph lines or poles or radio route installations being provided at the place, then no compensation shall be payable in respect of the entry and the cutting down or removal of the tree, underwood or other obstruction.

19.-(1) Subject to subsection (7), any person who establishes or operates, whether or not under any enactment, any undertaking for the supply of light, heat or power by means of electricity (in this section referred to as "the undertaker") or any person who constructs, equips or operates a railway by means of electricity (in this section referred to as "the railway operator") shall, at least one month before erecting, placing or altering the position of any line or wire for the transmission of the electricity, forward to the Director-General a notice in writing of his intention to execute the work together with a plan of the proposed work; and the undertaker or the railway operator shall also give to the Director-General all such other information as he may require in order to determine whether the work is likely to interfere unduly with any telephone or telegraph services provided by the Corporation

Power in relation to electricity undertakers, etc

(2) Where an undertaker has given notice in writing in accordance with subsection (1), the Director-General shall, within one month of the receipt of the notice, inform the undertaker in writing that the proposed work has either been approved or that, in accordance with, subsection (3), certain requirements are considered necessary to be effected or that the matter referred to in the notice is receiving attention; and in the event of no notification in writing being so given, the position of any electric supply line specified in that notice given in accordance with subsection (1) shall, for the purposes of this Act, be deemed to have been approved in writing.

(3) if the Director-General considers that the work is likely to interfere unduly with any telephone or telegraph services provided by the corporation, he may inform the undertaker or the railway operator of any requirements he may consider necessary to be effected by the undertaker or the railway operator in order to remove or lessen the anticipated interference; and in so doing the Director-General shall

have regard not Only to the interests of the telephone or telegraph services but also to the interests of persons supplied or who may be supplied 'with electricity by the undertaker and of all persons using the facilities Provided by the railway operator.

(4) If the undertaker or the railway operator does not agree to effect the requirements, or any altered requirements consequent upon any discussion between the Director-General and the undertaker or the railway operator, the Director-General may refer the matter to the Minister responsible for lands. and where the Director-General so refers the matter the undertaker or the railway operator shall not, save in so far as may be agreed to by the Director-General, proceed with the execution of the work until the Minister has given his decision under this section.

(5) Where any matter has been referred to the Minister responsible for lands under this section he may appoint any person or committee to investigate the matter and to make a report on it to him, and the Director General and the undertaker or the railway operator shall be entitled to be heard before the person or committee.

(6) After considering the report of the Person or committee the Minister responsible for lands may give such decisions as he may think fit, and the decision may specify what requirements, if any, the undertaker or the railway operator shall comply within executing the work. and that decision shall be final.

(7) The Director-General may by notice in the *Gazette* specify general requirements to be observed by any undertaker or railway operator when erecting placing or altering the position of any electric supply line; and in the notice the Director-General may provide that it shall not be necessary-

(a) for any undertaker or railway operator effecting any specified class of work..

(b) for any specified class of undertaker or railway operator, to give to the Director-General the notice referred to in subsection (1) if in effecting any work, the undertaker or railway Operator proposes to comply and does comply with the general requirements.

(8) The Director-General shall at least one month before constructing, erecting, placing or altering the position of any trunk telephone or telegraph line give notice of the proposed work in writing to any undertaker lawfully operating in the which, in which the work is to be executive

(9) The provisions of this section shall be m, addition to and shall not derogate from the provisions of any law.

Structures likely to interfere with telecommunications services

20.-(1) Where any person erects any building or structure which is likely to cause interference with the telecommunications services the Director-General may, unless the person has previously obtained the approval in writing of the Director-General to the erection of the

building or structure or has modified it to the satisfaction of the Director-General, require the person to pay to the Corporation the amount Of any expenditure necessarily incurred by the Corporation, in the removal of any telecommunications installation, apparatus or equipment Or in order to prevent interference.

(2) An amount referred to in subsection (1) shall be a debt due to the Corporation and may be sued for and recovered in a court of competent jurisdiction.

(3) For the purposes of this section a building or structure shall be deemed to be likely to interfere with telecommunications services if it exceeds 36 metres in height measured from ground level.

21. The Corporation shall not be required to provide to any person or authority, postal, telephone, telegraph or radio communication tion services either gratuitously or at a rate or charge which is insufficient to meet the costs involved in the provision of the service by the Corporation unless the person or authority concerned undertakes to make good the amount of the loss incurred by reason of the provision of the services.

The Corpora-
tion may not
be required
to provide
services at
a loss

Postal Services

22.-(1) No letter other than exempted letters, shall be conveyed by land, by water or by air into or out of the United Republic, or between any two places of which one is within the United Republic, or to be delivered or be distributed in the united Republic except by or through the Corporation.

No letter to
be conveyed
except by the
corporation

(2) For the purposes of this section exempted letters are-

- (a) letters carried by a private friend on his journey for delivery by him to the person or persons to whom they are directed without hire, reward or other profit or advantage for receiving, carrying or delivering them;
- (b) letters sent by means of a messenger on a purpose solely concern- ing the affairs of the sender or receiver of the letters;
- (c) letters solely concerning goods or other property sent by land, by water or by air, to be delivered with the goods or property which the letters concern without hire, reward or other profit or advantage for receiving, carrying or delivering them:

Provided that the letters are open to inspection and have superscribed on them the words "consignee's letters" or other words to that effect;

- (d) letters carried by any person in circumstances authorized by the Director-General and subject to such conditions as he may impose.

(3) In this section the expression "letters" means any written or printed communication conveying from one person to any other particu- lar person information upon matters personal to those persons or in- formation upon which it is intended that the recipient should reply, act or refrain from acting, but does not include any written or printed

Communication which is a newspaper or a periodical unless the newspaper or periodical is accompanied by any other communication

Stamp envelopes etc, to be issued by the corporation

23-(1) The Corporation shall cause to be made available and the Corporation shall have the exclusive privilege of issuing postage stamps, any envelope, wrapper or form prestamped for postage and international and Commonwealth reply coupons:

Provided that the Director-General may appoint, subject to such conditions as he may determine, any person to be an authorized agent for the purpose of making available those articles to the public.

(2) The Director-General may, subject to such conditions as he may determine, license the use by any person of a franking machine.

'At Corporation to determine rates and charges

24. Subject to sections 12 and 13, the corporation may determine the rates of postage and the charges to be paid in respect of any postal service provided by the corporation paid in respect of any postal service provided by the Corporation and shall publish the rates and charges in the Post office Guide.

Prepayment of postage

25. All postage and other charges on postal articles imposed under this Act shall be prepaid by means of postage stamps or impressions of franking machines issued under this Act; and the stamps and impressions shall be affixed to all postal articles liable to postage to the amount of the rates of postage payable on them:

Provided that-

(a) the Minister may by regulations-

- (i) Prescribe other means of payment for such classes of postal articles as may be specified in the regulations and the regulations may provide for the use of postal franks;
- (ii) provide for the conditions under which postal articles in respect of which the postage is unpaid or insufficiently prepaid may be transmitted by post;

(b) the Minister may by order declare that any specified postage stamps previously issued under this Act for the Prepayment of postage, or other charges shall cease, as from a specified date, to be valid for those purposes.

Addressee may be liable for postage, etc

26-(1) The person to whom any postal article is tendered for delivery on which postage or any other charge is due shall be liable to pay the postage or other charge unless-

- (a) he refuses to accept delivery of the postal article; or
- (b) having accepted delivery of the postal article, he forthwith returns it unopened.

(2) If any postal article appears to the satisfaction of the Director General to have been maliciously sent for the purpose of annoying the addressee, he may remit the postage or other charge due from the addressee.

(3) In any postal article on which the postage or any other charge is due is refused or returned unopened by the addressee, or if the addressee is dead or cannot be found, then the sender shall be liable to pay the postage or other charge due on it.

27.-(I) Subject to this Act, where any postal article is in the course of transmission by post no employee of the Corporation shall open it or deliver it to any person other than the addressee, or permit it to be opened or delivered to any person other than the addressee, unless he is authorized to do so by express warrant in writing under the hand of the Director-General:

Postal article
not to be
opened

Provided that nothing in this Act shall preclude the examination of any postal article and the disposal of any article in accordance with the provisions-

- (a) of the customs law; or
- (b) of any law of the United Republic prohibiting or regulating the importation or exportation of any article.

(2) The Director-General may, in any individual circumstance which appears to him to warrant that course, grant his warrant for opening or returning any specified postal article.

28-(1) On the occurrence of any public emergency or in the interest of public safety or tranquility, the Minister responsible for internal security may, by an order in writing to the Director-General, direct that any postal article, or class or description of postal article, in the course of transmission by post within the United Republic shall be intercepted or detained or shall be delivered to any officer mentioned in the order in the service of the Government of the United Republic or shall be disposed of in such manner as the Minister directs.

Interception
of postal
articles in
public
emergency
etc.

(2) A certificate signed by the Minister responsible for public security shall be conclusive proof of the existence of a public emergency within the United Republic or that any act done under subsection (1) was in the interest of public security or tranquility.

29. Any mail bag may be detained or opened under the authority of the Director-General.

Power to
detain
or open a
mail bag

30. If the Director-General has reason to believe-

- (a) that any postal article has on it or enclosed in it any words, drawing or picture, of a seditious, scurrilous, threatening, obscene or grossly offensive character; or
- (b) that any postal article is one which has been declared by regulations made under this Act to be prohibited from transmission by post,

Power to
dispose of
obscene or
prohibited
postal
articles

he may direct that the postal article shall be detained and examined, and if on examination the postal article is found to have on it or in it those words, drawings or pictures, or to be one which is prohibited for transmission by post, the Director-General may direct that it shall be disposed in such manner as he may think fit.

Power to
deal with
postal
articles
containing
anything
in respect
of which
an offence
is being
committed

31.-(1) If the Director-General has reason to believe that any postal article contains any thing in respect of which an offence is being or has been committed, or is being attempted to be committed, he may require by notice in writing the attendance, at a specified post office and time, of the addressee of the postal article or of some deputed in writing by the addressee and of a police officer, and the article shall then be opened by the addressee or his agent in the presence of an authorized employee and of the police officer

(2) If the addressee or his agent fails to attend in pursuance of the notice or, refuses to open the article, it shall be opened by the authorized employee in the presence of the police officer.

(3) Where a postal article has been opened under this section it shall be delivered to the addressee unless the police officer states that it is required for the purposes of an legal proceedings, in which event it shall be delivered to the police officer on his signing a receipt for it- but if it is found to be a postal article to which section 30 applies it shall be disposed of in accordance with that section.

(4) Where the Director-General is requested by the chief officer of Police to exercise his powers under this section, he shall do so and thereupon the notice referred to in sub-section (1) shall be issued.

Power to
detain postal
articles with
fictitious
stamps

32.-(1) The Director-General or any authorized employee may detain and withhold from delivery any postal article bearing or containing any fictitious postage stamp or purporting to be prepaid with any postage stamp previously used to prepay any other postal article or for the payment of any revenue duty or tax.

(2) Any postal article detained under this section shall be dealt with as the Director-General may direct; and the Director-General may direct that the postal article shall not be delivered to the addressee unless the addressee undertakes to return immediately that portion of the postal article which bears the address and the fictitious or previously used postage stamp, or, if the postal article is inseparable from the postage stamp, the entire postal article and to give such information with regard to the name and address of the sender and such other particulars as the Director-General may require.

Duty
master to
deliver mail
bags with-
out delay

33. (1) The master of any vessel or aircraft arriving at any harbour, airport or place in the United Republic shall without delay-

(a) report to the officer-in-charge of the post office, nearest to the harbour, airport or place of arrival the presence on board of any postal article or mail bag destined for the United Republic and shall deal with such postal article or mail bag as required by the officer; and

(b) if so required by the officer, shall cause every postal article or mail bag on board to be delivered to a post office or to an authorized employee; and the receipt of the officer shall discharge the master from all further responsibility in respect of the postal article or mail bag.

34. (1) The master or agent of any vessel or aircraft which is about to depart from any harbour, or airport, in the United Republic shall give to the officer-in-charge of the post office at that harbour or airport notice of any in writing of the intended time of departure and the Place of call and destination:

Notice to post office of departure of any vessel or aircraft

Provided that the Director-General may exempt any vessel, aircraft or class of vessel or aircraft from any or all of the provisions of this section.

(2) The notice referred to in subsection (1) shall be given not less than-

(a) twenty-four hours before departure, in the case of a vessel or aircraft proceeding to a destination outside the United Republic; and

(b) three hours before departure, in the case of a vessel or aircraft proceeding to a destination within the United Republic,

and shall expire between the hours of eight o'clock in the morning and six o'clock in the afternoon:

Provided that a shorter notice may be allowed by the Director-General or the officer-in-charge of the post office at the harbour or airport of departure in any case or special class of cases.

(3) Where it has been decided to postpone the departure of any vessel or aircraft after the notice referred to in subsection (1), has been given, then the master or agent of the vessel or aircraft shall, within one hour of the decision to postpone the departure having been taken, give a similar notice of the new intended time of departure.

35. The master of any vessel or aircraft, not being a mail vessel or an aircraft ordinarily authorized to carry mail, about to depart from any harbour or airport in the United Republic to any other place, whether Within or Without the United Republic, Shall receive Oil board any mail bag tendered to him by an authorized officer for conveyance, granting a receipt for it in such form as the Director-General may require, and shall without delay deliver it to the post office nearest to the port or place to which the mail bag is consigned -

Duty of master of an vessels or aircraft to carry mail bags

36.-(1) Any authorized officer may attend at or on board any Vessel after the time for closing the mail by the vessel and receive, subject to the other provisions of this Act, all postal articles fully prepaid as required by this Act which may be brought to him up to the time of departure to be transmitted by the vessel; and the master of the vessel shall deliver them to the post office nearest to the port or place to which they are consigned.

Reception of postal article on boards vessels

(2) If there be no authorized officer at or on board the vessel, the master may receive all the postal articles and shall deal with them in accordance with subsection (1).

37.-(1) The corporation may determine, either generally or in particular cases, the amounts to be paid to masters, owners or agents of vessels or aircraft, not being mail vessels or aircraft ordinarily authorized to carry mail, for the conveyance of mail bags and postal articles.

Payments to masters of vessels for conveyance of mail bags, etc

(2) Before payment is made the Director-General may require the master of the vessel or aircraft, to produce a certificate from the post office of destination that the mail bags or postal articles have been duly received from him

- (3) No amount shall be payable under this section-
- (a) unless application is made for payment within twelve months of the date of despatch the mail bags or postal articles; or
 - (b) if there has been unreasonable delay on the part of the master in delivering the mail bags or postal articles at the post office of destination; or
 - (c) if the mail bags or postal articles have been damaged in transit unless the master proves to the satisfaction of the Director-General that the damage was not due to any fault or lack of sufficient care on his part.

(4) If the master of the vessel or aircraft satisfies the Director-General that he will not return to the United Republic within twelve months, or such shorter time as the Director-General may determine, the Director-General may make payment in advance.

Exemption
from liabi-
lity of the
corporation

38,(1) Save in so far as it is provided to the contrary in regulations made under this Act, the Corporation shall not incur any liability-

- (a) by reason of the loss, misdelivery or delay of, or damage to, any postal article in course of transmission by post; or
- (b) by, reason of the interception, detention or disposal of any postal article in accordance with the provisions of this Act.

(2) Save in so far as it is provided to the contrary in regulations made under this Act, the Corporation shall not incur any liability by reason of the wrong payment of a money order.

with-
holding
postal
articles until
postage,
etc., paid

39. If any person refuses to pay any postage or other sum which he is legally bound to pay in respect of any postal article, the Director-General may, without prejudice to any other method of recovery withhold from that person any postal article, not being an article designated as being sent in the service of the United Republic addressed to that person, until the postage or other sum is paid.

Refund
of wrong
payment
of money
order

40. Where any person receives-

- (a) any amount paid to him in respect of a money order by an employee of the Corporation in excess of that which ought to have been paid to him in respect of the money order; or
- (b) any amount in respect of a money order paid to him by an employee of the Corporation instead of to some other person to whom it ought to have been paid.

the Director-General may call upon him to refund to the Corporation the amount of the wrong payment and if the refund is not immediately made the amount of the wrong payment may be sued for and recovered with full costs of suit.

Proof of
return, etc.
of postal
article

41. In every proceeding for the recovery of any postage or other charge-alleged to be due under this Act in respect of a postal article.-

- (a) the production of a postal article having on it the official mark of the Corporation or the signature or the initials of an employee of the Corporation denoting that the article has been refused, returned

- unopened or unclaimed, or that the addressee is dead or, cannot be found, shall be prima facie evidence of the fact so denoted;
- (b) the person from whom the postal article purports to have come shall, until the contrary is proved, be deemed to be the sender of
- (c) the production of a postal article having on it the 01611 mark of the Corporation denoting that any postage or other charge is due in respect of the article to the Corporation or to the Postal administration of any foreign country shall be conclusive evidence for all purposes that the sum so denoted is due.

42. Postage stamps, any envelopes, wrappers or forms prestamped for postage and international and Commonwealth reply coupons, provided for under international Act, and postal franks and impressions of franking machines issued under this Act, shall be deemed to be postage stamps issued by the Corporation for the purpose of revenue within the criminal law of the United Republic.

Postage stamps deemed stamps for the purpose of revenue

43.-(1) The Minister may make regulations generally with respect to the postal services and, without prejudice to the generality of the foregoing, with respect to-

Regulation for postal services

- (a) the disposal of undelivered postal articles;
- (b) the licensing and use of franking machines for repayment of Postage and the use of postal franks;
- (c) declaring what articles may be transmitted as postal articles and what articles are prohibited from being so transmitted,;
- (d) specifying the conditions for the perforation or defacement of postage stamps and the conditions on which postage stamps may be accepted or refused in Payment of Postage or other charges;
- (e) specifying the conditions on which compensation may be paid for the loss of or damage to any postal article';
- (f) specifying the conditions, for the registration and insurance of postal articles;
- (g) specifying the conditions for the issue and payment of money orders at postal offices;
- (h) specifying the conditions subject to which any postal article in the course of transmission by post may be delivered to the sender without reference to the consent of the addressee; and
- (i) specifying the conditions for the acceptance of cash-on-delivery postal articles -

(2) All regulations made under this section shall be published in the Gazette and in the Post Office Guide-

(3) The corporation shall include in the Post Office Guide-

- (a) a declaration of the adoption of regulations agreed upon by the Universal Postal Union in relation to the transmission of postal articles or any part or modification of them;

- (b) a statement of the rates of postage and other charges determined by the Corporation under section 24;
- (c) a statement of the manner in which amendments to the Guide will be published; and
- (d) such other information as the Director-General may think fit to include.

Unlawful opening or delivery, etc., of Postal articles

44. Any person who, being an employee of the Corporation or being employed in connection with the postal services-

- (a) opens or permits to be opened any postal article except in accordance with the provisions of this Act;
- (b) knowingly reveals, discloses or in any way makes known the contents of, or any information in relation to, any postal article opened under the authority of this Act except in accordance with the law;
- (c) knowingly destroys, detains or secretes any mail bag or postal articles except in accordance with this Act;
- (d) knowingly permits any unauthorized person to interfere in any way with any mail bag or postal article;
- (e) fraudulently, or with intent to deceive, prepares, alters, secretes or destroys any document used for the purposes of the postal services,

shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both that fine and imprisonment.

Fraud in connection with official marks or postage on postal articles

45. Any person who, being an employee of the Corporation or being employed in connection with the postal services-

- (a) fraudulently puts any official mark on a postal article;
- (b) fraudulently alters, removes or erases any official mark or postage stamp which is on a postal article; or
- (c) knowingly demands or receives from any person any sum of money in respect of postage or other charges which is not chargeable under this Act,

shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both that fine and imprisonment.

Issuing money order with fraudulent intent

46. Any person who, being an employee of the Corporation or being employed in connection with the postal services, with intent to defraud issues any money order or valuable security shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both that fine and imprisonment.

47. Any person who, being an employee of the Corporation or being employed in connection with the postal services, sends by post or puts into any mail bag any postal articles upon which the postage has not been paid or charged as required by this Act, intending thereby to defraud the Corporation of the postage on the postal article, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months.

Fraudulently
sending un-
paid postal
articles

48. Any person appointed by the Director-General as an authorized agent under section 23 who sells any article mentioned in that section at a rate other than that fixed by the Corporation shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months.

Authorized
agent selling
stamps etc,
at wrong
rate

49. Any person who contravenes any of the provisions of section 22 shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or one hundred shillings for each letter unlawfully collected, conveyed, distributed or delivered, whichever is the greater, or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

Unlawfully
conveying
letters

50. Any person who-

- (a) sends by post any postal article which is prohibited from being so transmitted by regulations made under this Act;
- (b) sends by post, except in accordance with any regulations made under this Act, any postal article containing any noxious, explosive or dangerous substance which would be likely to damage any other postal article;
- (c) subscribes on the outside of any postal article, or makes in any declaration relating to a postal article, any statement *which* he knows or has reason to believe to be false, or *which* he does not believe to be true, in relation to the contents or value of the postal article; or
- (d) with intent to defeat the course of justice sends by post any postal article containing anything with respect to which, or in connection with which, any offence against the law of the United Republic to his knowledge has been or is being committed,

Transmitting
prohibited
article etc.,
by post

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and such imprisonment.

51. Any person who, without lawful excuse the proof of which shall lie on the person charged, sends, or procures to be sent, by post a postal article which has on it or enclosed it any words, drawing or picture of a seditious, scurrilous, threatening obscene or grossly offensive character shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

Transmitting
seditious,
etc., matter
by post

Fraudulently
removing or
using postage
stamps

52.-(1) Any person who, with intent to defraud-

- (a) removes from any postal article any postage stamp affixed on it;
- (b) removes from any postage stamp previously used any mark made on it at a post office; or
- (c) knowingly uses a postage stamp which has been obliterated or defaced by a mark made on it at a post office,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings, or to imprisonment for a term not exceeding six months.

(2) On the trial of a person charged with knowingly using a postage stamp which has been obliterated or defaced by a mark made on it at a post office, proof that the person charged is the writer of the address of the postal article on which the postage stamp is affixed shall be Prima facie evidence that he is the person who used the postage stamp.

Person other
than employ-
ee of the
Corporation
unlawfully
opening or
destroying
postal
articles etc

53. Any person who, not being an employee of the Corporation or not employed in connection with the postal services---

- (a) opens any postal article, except in accordance with this Act;
- (b) interferes in any way with any mail bag Or Postal article except in accordance with this Act;
- (c) knowingly reveals, discloses or in any way makes known the contents of, or any information in relation to, any postal article opened under the authority of this Act, except in accordance with the law;
- (d) fraudulently puts, alters, removes or erases any official mark on a postal article;
- (e) maliciously and without authority, the proof of which shall lie on the person charged, opens, destroys, detains or secretes any article after it has been transmitted by post before it has been delivered to the addressee-
- (f) without the authority of the Director-General, the Proof of which shall lie on the person charged, knowingly enters any premises used for the purpose of the postal services and to which the public has no right of access;
- (g) refuses or fails to leave the premises when called upon so to do by an authorized employee of the Corporation; or
- (h) wilfully and' unlawfully obstructs or impedes any employee of the Corporation, or any person, in the discharge of his duties in connection with the postal services,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

Improperly
using words
"post office"
etc., or selling
stamps

54. Any person who, without the authority of the Director-General the proof of which shall lie on the person charged-

- (a) places or maintains, or permits to be placed or maintained, in, on or near any place under the control of that person the words

, & Post office- or the words "letter box" accompanied With Words, letters or marks which signify or imply. or may reasonably lead any member of the public to believe, that any receptacle near those words is provided by the authority of the Director-General for the reception of postal articles or any word, letter or mark which signifies or implies, or may reasonably lead any member of the public to believe, that any place is a post officer or that any receptacle is so provided by the authority of the Director General;

- (b) places or maintains, or permits to be placed or maintained, on any vehicle or vessel under the control, of that person the words "Postal Service" or any word, letter or mark which signifies, or implies, or may reasonably lead any member Of the Public to believe, that the vehicle or vessel is used for the conveyance of mails;
- (C) places or maintains, or permits to be placed or maintained. in, on or near the house or premises of that Person the words "licensed to sell stamps" or any word, letter or mark which signifies or implies, or may reasonably lead any member of the public to believe that he is duly licensed to sell unused postage stamps;
- (d) sells, or offers or exposes for sale, any unused postage stamp provided under this Act;
- (e) uses any franking machine except in accordance with the conditions attaching to the use of a franking machine; or
- (f) uses any postal frank except in accordance with any regulations governing its use,

shall be guilty of an Offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months.

55. Any person who--

- (a) wilfully destroys or damages any property used in connection with the, postal services provided by the Corporation;
- (b) wilfully destroys or damages any post office letter box or any card or notice relating to the Postal services provided by the Corporation or obliterates any letter or figure on any of those things; or
- (c) wilfully Places in or against any post office letter box any fire or match, or any explosive, dangerous, noxious or deleterious substance or any fluid or filth,

shall be guilty of an Offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment; and in addition the court before which the person is so convicted may order him to pay to the Corporation a sum equal to the cost of repairing any damage so caused and that sum shall be recoverable in the same manner as if it were a fine.

Damaging
property
used for
postal
services

Defacing
office or
letter box

56. Any person who, without the authority of the Director-General, the Proof Of which shall lie on the Person charged, affixes or attempts to affix any placard, board, advertisement, notice, document, paint or other thing to any post office or post Office letter box shall be guilty of an offence and liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months.

Failling to
comply with
undertaking

57. Any person who, 'having given the undertaking referred to in section 32, fails or refuses to comply with it, shall be guilty of an offence and liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months.

Offences by
master or
agent of
vessel

58. Any master or agent of a vessel or aircraft-
(a) who Omits to give notice in accordance with section 34;
(b) which departs prior to the time mentioned in the notice; or
(c) who contravenes any of the provisions of sections 33, 35 or 36.
shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.

Telephone Services

59.-(1) The Corporation shall have the exclusive Privilege of providing telephone services and or constructing maintaining and operating telephone apparatus within the United Republic:

Provided that the Director-General may-

(a) in accordance with regulations made under section 63 exempt from the provisions of this subsection the construction, maintenance and operation of telephone apparatus by such persons, or of such categories or descriptions of Persons Or apparatus as may be specified in the regulations, either absolutely or subject to such conditions as may be specified;

(1) grant a licence to any person to construct. maintain and operate telephone apparatus-

(i) for the Purposes of his private or business affairs; or
GO for the Purposes of telephonic communication by members of the Public between any place within the United Republic and any place outside the United Republic.

(2) A telephone licence may be issued subject to such conditions as the Director-General May think fit including the payment of any prescribed fee, the purposes for which, the persons by whom and the circumstances in which the telephone apparatus may be used and the place in or along which the telephone apparatus may be constructed.

(3) A telephone licence shall, unless Previously revoked by the Director-General, continue 'n force for such period as May be specified in the licence.

(4) A telephone licence may be revoked, or the conditions thereof varied, by a notice in writing of the Director-General served on the holder of the licence.

(5) Where any telephone licence is granted to a person for the purposes of telephonic communication with any place outside the United Republic, the Director-General shall include in the licence provision whereby any person within the United Republic may, subject to such reasonable conditions as may be determined, have telephonic communication with any place outside the United Republic to which the holder of the licence is authorized to operate telephone services and for that purpose the Director-General shall make all necessary arrangements for the connection of the telephone services provided by the Corporation with those provided by the holder of the licence.

(6) Nothing in this section shall be taken to require any person entitled to operate a telephone service in accordance with the terms of a licence validated by section 4 (4) of the Electricity Ordinance to be licensed under this Act in respect of that telephone service during the currency of the licence.

cap. 131

60.-(1) On the occurrence of any public emergency or in the interest of public safety or tranquility, the Minister responsible for internal security may, by order in writing, direct-

Power on
occurrence
of public
emergency
as to
telephone
service

- (a) any authorized employee to take temporary possession of any telephone apparatus constructed, maintained or operated by any person within the United Republic; or
- (b) that any communication over the telephone services provided by the Corporation within the United Republic or by the holder of any telephone licence within the United Republic to or from any person or category of persons, or relating to any particular subject, shall be intercepted and disclosed to any person specified in the direction.

(2) A certificate signed by the Minister responsible for internal security shall be conclusive proof of the existence of a public emergency in the United Republic or that any act done under subsection (1) was in the interest of public safety Or tranquility-

61. Subject to this Act, no employee of the Corporation nor any person in the employment of the holder of a public telephone licence shall-

Secretary of
telephone
communica-
tion

- (a) intercept any communication between other persons over the telephone services save in so far as the interception is necessary for the proper working of those services; or
- (b) disclose any communication, or any information in relation to it, of which he is aware save in accordance with the order of any court.

62. Save in so far as it is provided to the contrary in regulations made under section 63, the Corporation shall not incur any liability

Exemption
from liabi-
lity of the
Corporation
for telephone
services

- (a) by reason of any interruption, whether total or partial, in the telephone services;
- (b) by reason of any delay in the connection of any telephone with another telephone for the purposes of telephonic communication, or of any conditions which result in the telephone communication being unsatisfactory, or of the telephonic communication being accidentally overheard by any person; or

- (c) by reason of the interception or disclosure, in accordance with this Act, of any telephonic communication.

Regulations
for telephone
services

63.-(1) The Minister may make regulations generally with respect to the telephone services and to the construction, maintenance and operation of telephone apparatus and, without prejudice to the generality of the foregoing, with respect to--

- (a) the conditions on which the telephone services may be provided by the Corporation or by the holder of any public telephone licence; and
- (b) the conditions on which any telephone licence may be granted under this Act.

(2) Subject to sections 12 and 13, the Corporation may determine the charges to be made for any telephone service provided or the fees to be paid for any telephone licence and shall publish the charges and fees in the Post Office Guide.

Unlawfully
intercepting
telephone
apparatus

64. Any person who, unless exempted under regulations made under section 63, constructs, maintains or operates any telephone apparatus except under and in accordance with provisions of any telephone licence, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

Unlawfully
maintaining
telephone
communica-
tion etc.

65. Any person who, being an employee of the Corporation or a person employed, whether by the Corporation or by the holder of a public telephone licence, in connection with the telephone services-

- (a) contravenes any of the provisions of section 61;
- (b) permits any other person to intercept any communication over the telephone services except in accordance with this Act-
- (c) knowingly permits any unauthorized person to interfere in any Way with any telephone apparatus Used in connection with the telephone services;
- (d) with intent to defraud or to deceive prepares, alters, secretes or destroys, any document used for the purposes of the telephone services;
- (e) knowingly demands or receives from any other person any sum of money in respect of the use by that other person of the telephone services which is not chargeable under this Act; or
- (f) with intent to defraud or deceive uses or permits to be used the telephone services for Private communications without payment,

shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both that fine and imprisonment.

Unlawfully
damaging
telephone
apparatus,
etc.

66. Any person who, without the authority of the Director-General, or, in the case of the holder of a public telephone licence, that holder, the proof of which shall lie on the person charged-

- (a) wilfully destroys or damages any telephone apparatus, used in connection with the telephone services;
- (b) interferes in any way with any telephone apparatus used in connection with the telephone services with the intention of preventing or obstructing the transmission or receipt of any telephonic communication;
- (c) intercepts any telephone communication over the telephone services; or
- (d) knowingly reveals, discloses, or in any way makes known the contents of or any information in relation to any telephonic communication, intercepted by, or disclosed to him under section 60 except in accordance with the law,

shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both that fine and imprisonment; and in addition the court before which the person is so convicted may order him to pay to the Corporation a sum equal to the cost of repairing any damage so caused and that sum shall be recoverable in the same manner as if it were a fine

67. Any person who-

- (a) without the authority of the Director-General, or, in the case of the holder of a public telephone licence, that holder, the proof of which shall lie on the person charged knowingly enters any premises used for the purposes of the telephone services and to which the public have no right of access;
- (b) refuses or fails to leave the premises when called upon so to do by an authorized employee of the Corporation or, in the case of the holder of a public telephone licence, by a person in the employment of the holder; or
- (c) wilfully and unlawfully obstructs or impedes any employee of the Corporation or any person in the discharge of *his duties in connection* with the telephone services,

Unlawfully being on premises used for telephone services etc.

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

68. Any person who, being required under section 19 to give any notice to the Director-General-

- (a) contravenes any of the provisions of subsection (1) of that section;
- (b) proceeds with the execution of any work in contravention of the provisions of subsection (4) of that section; or
- (c) omits to comply with any requirements in contravention of the provisions of subsection (6) of that section,

Offences by electricity undertakers

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.

Defacing
telephone
apparatus,
etc.

69. Any Person who, without the authority of the Director-General, the proof of which shall lie on the person charged, affixes or attempts to affix any placard, board, advertisement, notice, document, paint or other thing to any building or telephone apparatus used in connection with the telephone services provided by the Corporation, shall be guilty of an offence and liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months'

Telegraph Services

Exclusive
privilege of
the corpora-
tion with
respect to
telegraph
services

70.-(1) The corporation shall have the exclusive privilege Of providing telegraph services and of constructing, Maintaining and operating telegraph apparatus within the United Republic':

provided that the Director-General may-

- (a) in accordance with regulations made under section 16 exempt from the provisions of this subsection the construction, maintenance and operation of telegraph apparatus by such Persons, or of such categories or descriptions of person or apparatus, as may be specified in the regulations either absolutely or subject to such conditions as may be specified
- (b) grant a licence to any person to construct, maintain and operate telegraph apparatus--
 - (i) for the Purposes Of his private or business affairs;
 - ii) for the Purposes of telegraphic communication by members of the public between any place within the United Republic and any place outside the United 'Public-

(2) A telegraph licence may be issued subject to such conditions as the Director-General may think fit, including the payment of any prescribed fees for the purposes for which. the persons by whom and the circumstances in which the telegraph apparatus may be used and the places in or along which the telegraph apparatus may be constructed.

(3) A telegraph licence shall unless previously revoked by the, Director-General, continue In force for such period as may be specified in the licence.

(4) A telegraph licence may be revoked, or the conditions of it varied, by a notice in writing of the Director-General served on the holder of the licence.

(5) Where any telegraph licence is granted to a person for the purposes of telegraphic communication with any place outside the United Republic, the Director General shall include in the licence Provision whereby any person within the United Republic may, subject to such reasonable conditions as may be determined, send telegrams to or receive telegrams from any place outside the United Republic to which holder of the licence is authorized to operate telegraph services; and for those purposes the Director-General shall make all necessary

arrangements whereby the telegrams may be transmitted within the United Republic by means of the telegraph services provided by the Corporation.

71.-(1) On the occurrence of any public emergency or in the interest of public safety or tranquility, the Minister responsible for internal security may, by order in writing direct-

Power on occurrence of public emergency as to telegraph services

- (a) any authorized employee to take temporary possession of any telegraph apparatus constructed, maintained or operated by any person within the United Republic; Or
- (b) that any telegram or class of telegram to or from any person or category of persons, or relating to any particular subject, brought for transmission or in the course of transmission within the United Republic shall not be transmitted, shall be detained or shall be disclosed to any person specified in the direction.

(2) A certificate signed by the Minister responsible for internal security shall be conclusive proof of the existence Of a public emergency, or that any act done under subsection (1) was in the interest Of Public safety or tranquility.

72. Subject to this Act, no employee of the Corporation nor any person in the employment of the, holder of a public telegraph licence shall-

Services of telegrams, etc,

- (a) refuse to transmit any telegram brought for transmission to any place with which telegraphic communications are established; or
- (b) disclose the contents Of, or any information in relation to, any telegram to any person other than the sender or addressee of it save in so far as the disclosure is necessary for the purpose Of the working of the telegraph services:

Provided that the contents of any telegram shall be disclosed-

- (i) in accordance with the order Of any court; or
- (ii) on the written request of the sender or addressee of the telegram.

73. Save in so far as it is provided to the contrary in regulations made under section 76, the Corporation shall not incur any liability-

Exemption from liability of the Corporation for telegraphic services

- (h) by reason of the interruption, whether total or partial, of the Corporation telegraph services:
- (b) by reason of any delay in the transmission of any telegram or by "ices reason of any error in, omission from, or non-delivery or mis-delivery of any telegram; or
- (c) by reason of the non-transmission, detention or disclosure of any telegram in accordance with this Act.

74. Neither the Corporation nor any employee of the Corporation or the holder of any public telegraph licence nor any person employed in connection with the telegraph services shall be liable in any legal proceedings, civil or criminal, by reason of the transmission in the normal course of the telegraph services of any defamatory telegram.

exemption from liability of defamatory telegrams

Transcript
of telegram
to be prima
facie evide-
nce

75. The, transcript of every telegram after transmission and before its delivery to the addressee shall be stamped or initialed by the employee of the Corporation receiving the telegram for delivery; and the transcript purporting to be so stamped or initialed shall be admissible in any legal proceedings and shall be prima facie evidence-

- (a) that the message stated in the transcript is the same as that stated in the original telegram delivered for transmission; and
- (b) that the Original telegram was duly signed and delivered for transmission by the person by whom the transcript purports to be signed.

and it shall not be necessary to prove the signature of the person purporting to sign the original telegram or that it was delivered for transmission or that the transcript was so stamped or initialed.

Regulations
for telegraph
services

76.-(1) The Minister may make regulations generally with respect to the telegraph services and to the construction, maintenance and operation of telegraph apparatus and, without prejudice to the generality of the foregoing with respect to:-

- (a) the conditions on which the telegraph services may be provided by the Corporation or by the holder of any public telegraph licence;
- (b) the conditions on which any telegraph licence may be granted under this Act; and
- (c) the period after which, and the conditions on which, telegrams and other documents relating to the telegraph services may be destroyed.

(2) Subject to sections 12 and 13, the Corporation may determine the charges for telegraph services and the fees for the, issue of telegraph licences and shall publish those charges and fees in the Post office Guide.

Unlawfully
maintaining
apparatus

77. Any person who, unless exempted under regulations made under section 76 constructs, Maintains Or operates any telegraph apparatus except under and in accordance with the provisions of any telegraph licence, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

Unlawfully
disclosing
telegrams
intercepting
telegraph
services

78. Any person who, being an employee of the Corporation or a disclosing person employed, whether by the Corporation or by the holder of a public telegraph licence, in connection. with the telegraph services-

- (a) contravenes any of the provisions of section 72;
- (b) permits any other person to intercept or to ascertain the contents of any telegram except in accordance with this Act;
- (c) knowingly permits any unauthorized person to interfere in any way with any telegraph apparatus used in connection with the telegraph services;

- (d) with intent to defraud or to deceive, alters, any telegram which he has received for transmission;
- (e) wilfully detains, or fails to transmit except in accordance with this Act, any telegram which he has received for transmission;
- (f) with intent to defraud or to deceive, prepares, alters, secretes or destroys any document used for the purposes of the telegraph services; or
- (g) knowingly demands or receives from Any other person any sum of money in respect of the use by that other person of the telegraph services, or in respect of the receipt by that other person of any telegram, which is not chargeable under this Act,

shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both that fine and imprisonment.

79. Any person who, being an employee of the Corporation or a person employed, whether by the Corporation or by the holder of a public telegraph licence, in connection with the telegraph services transmits the telegraph services any telegram upon which the due charges have not been paid or charged, intending thereby to defraud the Corporation or the holder of a public telegraph licence, as the case may be, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months.

Fraudulently
sending
unpaid
telegram

80. Any person who-

- (a) forges or, with intent to deceive, alters any telegram;
- (b) utters any telegram knowing it to be forged or altered with intent to deceive; or
- (a) wilfully destroy or damages any telegraph apparatus used in, which he knows contains any false or fabricated message,

Forgery of
telegrams

shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both that fine and imprisonment.

81. Any person who, without the authority of the Director-General or, in the case of the holder of a public telegraph licence, that holder, the proof of which shall lie on, the person charged-

Unlawfully
damaging
apparatus
etc.

- (a) wilfully destroys or damages any telegraph apparatus used in connection with the telegraph services;
- (b) interferes in any way with any telegraph apparatus used in connection with the telegraph services with the intention of preventing or obstructing the transmission or receipt of any telegram;
- (c) intercepts any telegram being transmitted by the telegraph services; or

- (d) knowingly reveals, discloses or in any way makes known the contents, of, or any information relating to, any telegram intercepted by, or disclosed to, him under section 71 except in accordance with the law.

shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both that fine and imprisonment; and in addition the court before which that person is so convicted may order him to pay the Corporation a sum equal to the cost of repairing any damage so caused and that sum shall be recoverable in the same manner as if it were a fine.

Unlawfully
receiving
or destroying
any telegram

82. Any person who-

- (a) by any false pretence receives any telegram which he knows is not intended for him; or
- (b) knowingly destroys, detains or fails to deliver any telegram received by him for delivery to the addressee,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment

Unlawfully
being on
premises used
for telegraph
services, etc.

83. Any person who-

- (a) without the authority of the Director-General or, in the case of the holder of a public telegraph licence, that holder, the proof of which shall lie on the person charged, knowingly enters any premises used for the purposes of the telegraph services and to which the public have no right of access;
- (b) refuses or fails to leave the premises when called upon so to do by an authorized employee of the Corporation, or in the case of the holder of a public telegraph licence, by a person in the employment of the holder; or
- (c) wilfully and unlawfully obstructs or impedes any employee of the Corporation or any person in the discharge of his duties in connection with the telegraph services,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

Making false
telegrams or
marks

84. Any person who, without the authority of the Director-General, the proof of which shall lie on the person charged-

- (a) with intent to deceive makes or issues any document which signifies or implies, or may reasonably lead any member of the public to believe, that the document has been issued by the Corporation in connection with the telegraph services;
- (b) with intent to deceive makes on any document any mark purporting to be a mark used by the Corporation in connection with the telegraph services or any mark which may reasonably lead any member of the public to believe the mark was made by the Corporation in connection with the telegraph services: or

- (c) with intent to deceive, utters Or uses any document on which there is that mark,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

85. Any person who, without the authority of the Director-General the proof of which shall lie on the person charged affixes or attempts to affix any placard, board, advertisement, notice, document, paint or other thing to any building or telegraph apparatus used in connection with the telegraph services provided by the Corporation shall be guilty of an offence and liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months.

Defacing
telegraph
apparatus
etc

Radio Communication

86. Any person who-

- (a) establishes or uses any radio communication station or possesses radio communication apparatus without a licence issued by the Director-General; or
- (b) sells or lets on hire or disposes of any radio communication apparatus to any person, unless that person holds a valid licence in respect of that apparatus,

Licensing of
radio
communi-
cation

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment:

Provided that the Director-General may in accordance with regulations made under section 89 exempt from the provisions of this subsection such categories or descriptions of persons, radio communication stations or radio communication apparatus as may be specified in We regulations either absolutely or subject to such conditions as may be specified.

(2) A radio communication licence may be granted subject to such conditions, including the payment of any prescribed fee, as the Director-General may think fit including in particular- in the case of a licence to establish a station conditions as to the position and nature of the station, the purposes for which, the circumstances in which and the persons by whom the station may be used and the radio communication apparatus which may be installed or used in it; and, in the case of any licence, conditions as to the radio communication apparatus which may be installed or used, the places where, the purposes for which, the circumstances in which and the persons by whom the apparatus may be used.

(3) A radio communication licence shall, unless previously revoked by the Director-General, continue in force for such period as may be specified in the licence.

(4) A radio communication licence may be revoked, or the conditions; for it varied, by a notice in writing of the Director-General served on the holder of the licence or by a general notice applicable to licences of the class to which the licence in question belongs published in such manner as may be specified in the licence.

(5) Where a radio communication licence has expired, or has been revoked, it shall be the duty of the person to whom the licence was granted and of every other person in whose possession or under whose control the licence may be, to cause the licence to be surrendered to the Director-General if required by the Director-General, so to do:

Provided that this subsection shall not apply to a licence relating solely to radio communication apparatus not designed or adapted for emission.

(6) Nothing in this section shall authorize the inclusion, in any radio communication licence relating solely to radio communication apparatus not designed or adapted for emission, of any condition requiring any person to concede any form of right of entry into any private dwelling house.

Experiments
licences

87.-(1) Subject to this section, where an application for the grant or renewal of a radio communication licence is made to the Director-General by any person and the Director-General is satisfied that the only purpose for which the applicant requires the licence is to enable him to conduct experiments in radio communications for the purpose of scientific research, the Director-General shall not refuse to grant or renew the licence and shall not revoke the licence when granted, and no sum shall be payable under the regulations made under section 89 except that on the grant or renewal of the licence.

(2) Nothing in subsection (1) shall limit the discretion of the Director-General as to the conditions which he attaches to any radio communication licence or his power to vary the conditions of the licence.

(3) Nothing in subsection (1) shall prevent the Director-General from refusing to grant or renew, or from revoking any radio communication licence if, whether before or after the grant or last renewal of the licence, the applicant has been convicted of any offence under this Act whether in relation to any radio communication apparatus covered by the licence or any other radio communication apparatus, or has contravened any of the conditions of that or any other radio communication licence granted to him, or has been convicted of using any apparatus for the purpose of interfering with any radio communication.

Powers on
occurrence
of public
emergency
as to radio
communi-
cation

88.-(1) On the occurrence of any public emergency or in the interest of public safety or tranquility, the Minister responsible for internal security may, by order in writing direct-

- (a) any authorized employee to take temporary possession of any radio communication station within the United Republic and the apparatus which may be installed or used in it; and
- (b) that any communication or class of communication shall or shall not be emitted from the station or apparatus.

(2) A certificate Signed by the Minister responsible or internal security shall be conclusive proof of the existence of a public emergency in the United Republic Or that any act done under subsection (1) was in the interest of public safe-sty or tranquility.

89. The Minister may make regulation generally with respect to the regulation of radio communication, other than radio communication restricted to the receiving of public broadcasting, and. without prejudice to the generality of the foregoing with respect to-

Regulation
for radio
communi-
cation.

- (a) the fees or sums to be paid by a person to whom a radio communication licence is granted on the grant or renewal of the licence or at such times thereafter as may be prescribed by the regulations and the conditions on Which the licence may be granted, renewed or revoked;
- (b) the things which are to be done or are not to be done in connection with the use of any station or radio communication or radio communication apparatus and in particulars requiring the use of the station or apparatus to cease on the demand In that behalf of any authorized employee;
- (c) imposing on the person to whom a radio communication licence is granted with respect to any station for radio communication or radio communication apparatus, of who is in possession or control of any station for radio communication or radio communication apparatus. obligations as to Permitting and faci' litating the inspection of the station and apparatus. as to the conditions in which the station and apparatus is to be kept and. in the case of station or apparatus for the establishment, installation or use of which a radio communication licence Is necessary, as to the production of the licence or of such other evidence of the licensing of the station or apparatus as may be prescribed by the regulation.
- (d) where sums are or may become due from the person to whom a radio communication licence is granted after the grant or renewal of the licence. requiring that Person to keep and Produce such accounts and records as may be specified in the regulations;
- (e) requiring the person to whom a radio communication licence authoring the establishment or use of a station has been "ted to exhibit at the station such notices as may be specified in the regulations;
- (f) regulating the use on board any vessel or aircraft, other than a vessel, or aircraft registered or used of licensed in Republic, within the limits of the United Republic and the territorial waters adjacent to those limits of radio communication apparatus on board the vessel or aircraft; and
- (g) controlling the importation, acquisition, manufacture and sale. letting on hire of other disposition of radio communication apparatus of any kind, or the possession, use I Installation of the apparatus,

and different provisions may be made by, the regulations for different classes of case:

Provided that nothing in the regulation shall require any person to concede any form of right of entry into a private dwelling house for the purpose of permitting or facilitating the inspection of any radio communication apparatus not designed or adapted for emission.

Regulations
as to radia-
tion of
electro-
magnetic
energy, etc.

90.-(1) The Minister may make regulations for both or either Of the following purposes, that is to say-

- (a) for prescribing the requirements to be complied with in the use of any apparatus to which this section applies;
 - (b) for prescribing the requirements to be Complied with m the case of any apparatus to which this section applies if the apparatus is to be sold except for export, or Offered or advertised for sale except for export, or let on hire or offered or advertised for letting on hire by any person who in the course of business manufactures assembles or imports the apparatus.
- (2) The requirements referred to in subsection (1) shall be such requirements as shall ensure that the use of the apparatus does not cause undue interference with radio communication and may in particular include-
- (a) requirements as to the maximum intensity of electro-magnetic energy of specified frequencies which may be radiated in any direction from die apparatus while it is being used; and
 - (b) in the case of an apparatus the power for which is supplied from electric supply lines, requirements as to the maximum electro-magnetic energy of any specified frequencies which may be in-jected into those lines by the apparatus, and different requirements may be prescribed for different circumstances and in relation to different classes or descriptions of apparatus, different districts or places and different times of use.
- (3) The apparatus to which this section applies shall be such apparatus, other than radio communication apparatus, as may be specified in the regulations made under this section, being apparatus generating, or designed to generate or liable to generate fortuitously, electro.magnetic energy at such frequencies as may be specified in the regulations and references in this subsection to apparatus include references to any form of electric supply line.
- (4) It shall not be unlawful for any person to use any apparatus to which this section applies or to sell, offer, advertise for sale, let on hire or offer or advertise it for letting on hire by reason only that it does not comply with the requirements applicable under any regulations made under this section but the non-compliance shall be a ground for the giving of a notice under section 91 or 92 as the case may be,

91.-(1) If the Director-General is of opinion-

- (a) that any apparatus does not comply with the requirements applicable to it under regulations made for the purpose specified in section 90 (1) (a); and
- (b) that either-
 - (i) the use of the apparatus is likely to cause undue interference with any radio communication used for the purpose of any safety of life service or for any purpose on which the safety of any person, or of any vessel, aircraft or vehicle may depend; or
 - (ii) the use of the apparatus has caused or is causing undue interference with other radio communication under circumstances where all reasonable steps to minimize interference have been taken in relation to the station or apparatus receiving the radio communication,

Enforcement
of regula-
tion as to
use of
apparatus

he may serve on the person in whose possession the apparatus is a notice in writing requiring that, after date fixed by the notice, not being less than twenty-eight days from the date of the service the notice, the apparatus shall not be used, whether by the person to whom the notice is given or in any other way, or shall only be used in such manner, at such times and in such circumstances as may be specified in the notice:

Provided that-

- (i) if, before the date fixed by the notice, a notice is given under subsection (3) requiring the Director-General to refer the matter to the Appeal Tribunal provided for in section 93 (and hereinafter referred to as "the Appeal Tribunal") the Director-General's notice shall not operate until the termination of the proceedings before the Tribunal; and any notice given under this subsection by the Director-General (other than a notice to which paragraph (ii) of this proviso applies) shall be framed accordingly; and
 - (9) if the Director-General is satisfied that the use of the apparatus in question is likely to cause undue interference with any radio communication used for the purposes of any safety of life service or for any purpose on which the safety of any person, or of any vessel, aircraft or vehicle may depend, the date to be fixed by the notice may be the date of the service of the notice and paragraph (i) of this proviso shall not apply.
- (2) A notice under subsection (1) may be revoked or varied by a subsequent notice in writing by the Director-General served on the person in whose possession the apparatus then is:

Provided that where a notice under this subsection has the effect of imposing any additional restrictions on the use of the apparatus, the provisions of subsection (1) relating to the coming into force of notices " apply in relation to the notice as if it had been a notice served under that subsection

(3) Where notice has been given under subsection (1), any person having possession of or any interest in the apparatus to which the notice relates may at any time (whether before or after the date fixed by the notice), by notice in writing served on the Director-General, require him to refer the matter to the Appeal Tribunal and the Director-General, unless he revokes the notice or modifies it to the satisfaction of that person, shall refer the matter to the Tribunal accordingly; and this subsection shall apply in relation to a notice under subsection (1) which has been varied by a subsequent notice as it applies in relation to a notice which has not been so varied.

(4) On any reference to it the Appeal Tribunal shall hear the Director-General and the person at whose instance the reference was made and any other person appearing to them to be interested who desires to be heard and has in accordance with the rules regulating the procedure of the Appeal Tribunal, been accepted as a party to the reference and-

- (a) if they are satisfied that the apparatus in question complies with the requirements applicable to it under the regulations, shall direct the Director-General to revoke the notice;
- (b) if they are satisfied that the requirements ought properly to be relaxed in relation to the apparatus may direct the Director-General to revoke the notice or to vary it in such manner as may be specified in the direction,

and the Director-General shall revoke or vary the notice accordingly:

Provided that the making by the Appeal Tribunal of a direction under this subsection, or the refusal by the Tribunal to make a direction under this subsection, shall not prevent any person mentioned in subsection (3) from giving a further notice under that subsection and shall not, where the Director-General is of opinion that there has been a relevant change of circumstances, prevent the Director-General from giving a further notice under subsection (1) or subsection (2).

(5) A direction given under subsection (4) may be absolute or may be conditional on such steps being taken in relation to the apparatus, or on the apparatus being made to comply with such requirements, as may be specified in the direction and any question, whether or not the steps have been taken or, as the case may be, whether or not the apparatus has been made to comply with those requirements shall, on the application of the Director-General or of any person having possession of or any interest in the apparatus, be determined by the Appeal Tribunal.

enforcement
of regulation
as to sales etc.,
by manufactures
and other

92.-(1) If the Director-General is of opinion that any apparatus does not comply with the requirements applicable to it under regulations made for the Purpose specified in section 90 (1) (b) he may serve, on any person who has manufactured, assembled or imported the apparatus in the course of business a notice in writing prohibiting him from selling

the apparatus except for export or offering or advertising it for sale except for export or letting it on hire or offering or advertising it for letting on hire.

(2) Where a notice has been served under subsection (1), the person on whom the notice has been served may by notice in writing served on the Director-General, require him to refer the matter to the Appeal Tribunal and the Director-General, unless he revokes the notice, shall refer the matter to the Appeal Tribunal accordingly.

(3) On any reference to it the Appeal Tribunal shall hear the Director-General and the person at whose instance the reference was made and any other person appearing to them to be interested who desires to be heard and has, in accordance with the rules regulating the procedure of the Appeal Tribunal, been accepted as a party to the reference; and, if they are satisfied that the apparatus in question complies with the requirements applicable to it under the regulations, shall direct the Director-General to revoke the notice and he shall revoke it accordingly:

provided that the making by the Appeal Tribunal of a direction under this subsection shall not, where the apparatus is subsequently altered prevent the Director-General from serving a fresh notice under subsection (1) with respect to the apparatus; and the refusal by the Appeal Tribunal to make a direction under this subsection shall not where the apparatus is subsequently altered. Prevent the Director-General from, revoking the notice or the person on whom the notice was served from giving a further notice under, subsection (2).

93.-(1) For the purposes of sections 90, 91 and 92 there shall be established an Appeal Tribunal which shall consist of-

constitution
of Appeal
Tribunal

- (a) a chairman who shall be a person who holds or has held judicial office in the United Republic or who has experience in the practice of the legal profession of not less than seven years, and
- (b) two other members who are persons possessing, in the opinion of the Minister, expert knowledge of the matters likely to come before the Tribunal and who are not officers in the service of the Corporation.

(2) The chairman and other members of the Appeal Tribunal shall be appointed by the Minister.

(3) The minister shall, by regulations published in the Gazette, make provision for the procedure and sittings of the Appeal Tribunal and for such other matters relating to the Tribunal as the Minister may think fit.

94. Subject to this section, the provisions of section 85, 86, 87, 88, 95 and 96 shall apply-

Application
of certain
provisions

- (a) to all radio communication stations and radio communication apparatus in or over, or for the time being in or over, the United Republic or the territorial waters of the United Republic;
- (b) subject to any limitations which the Minister may, by regulations made under section 89 determine, to all radio communication stations and radio communication apparatus on board any vessel or aircraft which is registered in the United Republic but is not for the time being in, or over the United Republic or the territorial waters of the United Republic; and

- (c) subject to any limitations which the Minister may, by regulations made under section 89, determine, to all radio communication apparatus which is not in or over the United Republic or the territorial waters of the United Republic but is released from within the United Republic or from any vessel which is registered or licensed in the United Republic.

and, without prejudice to the liability of any other person for contravention of any of the provisions of those sections, or of any regulations made under those sections, the master of a vessel or aircraft in respect of which the contravention occurs shall be guilty of an offence under this Act:

Provided that-

- (i) the master of a vessel or aircraft shall not be guilty of any offence under this Act by reason of any contravention of the Provisions of those sections or regulation occurring in relation to radio communication apparatus on board the vessel if the contravention consists of the use by a passenger on board the vessel or aircraft of radio communication apparatus not designed or adapted for emission which is not part of the radio communication apparatus of the vessel or aircraft; and
- (ii) save as is provided in regulations made under section 89, nothing in sections 86 to 98 shall operate so as to impose any prohibition or restriction on persons using radio communication apparatus on board any vessel or aircraft other than a vessel or aircraft registered or licensed in the United Republic.

Unlawfully using radio communication apparatus, etc.

95. Any person Who-

- (a) contravenes any regulation made under section 89 or causes or permits apparatus to be established or used in contravention of the regulation or the terms of any licence issued in respect of the apparatus; or
- (b) without reasonable excuse, contravenes section 86 (5).

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment:

Provided that if the offence consists of a contravention of section 86 (5) of this Act the offender shall, in the case of a first offence only, be liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months.

Unlawfully sending misleading or other messages, etc.

96.-(1) Any person who-

- (a) contravenes any of the provisions of any order made under section 88 (1) (b);

- (b) by means of radio communication, sends or attempts to send any message which, to his knowledge is false or misleading and is, to his knowledge, likely to prejudice the efficiency of any safety of life service or endanger the safety of any person of any vessel aircraft, or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress or in need of assistance or is not in distress or not in need of assistance; or
- (c) except under the authority of the Director-General either-
 - (i) uses any radio communication apparatus with intent to obtain information as to the contents, sender or addressee of any message (whether sent by means of radio communication or not) which neither the person using the apparatus nor any person on whose behalf he is acting is authorized by the Director-General to receive; or
 - (ii) except in the course of legal proceedings or for, the purpose of any report of legal proceedings, discloses any information as to the contents, sender or addressee of any message, being information which would not have come to his knowledge but for the use of radio communication apparatus by him or by another person,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

97. Any person who-

- (a) knowing that a notice of the Director-General under section 91 is in force with respect to any apparatus, uses that apparatus or causes or permits it to be used in contravention of the notice; or
- (b) having been served with a notice under section 92 (1), contravenes any of the provisions of that section prior to the revocation of the notice by the Director-General,

Use or sale,
etc., of
apparatus in
contravention
of notice

shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months.

98.-(1) Any person who uses any apparatus for the Purpose of interfering with any radio communication shall be guilty of an offence, and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months.

(2) This section shall apply whether or not the apparatus in question is radio communication apparatus or apparatus to which any of the provisions of sections 86 to 97 apply, and whether or not any notice under section 91 or 92 has been given with respect to the apparatus or, if given, has been varied or revoked.

Deliberate
interference
with radio

Savings Banks

The Corporation may manage Savings banks

99.-(1) The Corporation may, on behalf of the Government of the United Republic, manage and control the savings bank established by, and in accordance with, the law in force in the United Republic and hereinafter referred to as a "savings bank"

(2) No person employed in a savings bank shall by reason only of that employment, be in the service of, the Corporation nor shall that person, by reason only of that employment, receive any salary or other emoluments from the funds of the Corporation:

Provided that nothing in this subsection shall have effect so as to prevent the Director-General from authorizing the employment of any employee of the Corporation in a savings bank where arrangements have been made for the reimbursement of any salary or allowance, or the payment of any retiring benefits or contributions, to the funds of the Corporation and while the employee is so employed he shall continue to be for all purposes an employee of the Corporation.

(2) It is hereby declared that-

- (a) the Corporation shall not be able to sue, or be liable to be sued, in respect of any matter relating to a savings bank nor shall that matter be deemed to be within the purposes of the Corporation;
- (b) the funds of the Corporation shall not be liable to be charged with any amount in respect of any matter relating to a savings bank nor shall any sum accruing, or payable, in respect of the operation of a savings bank be included in the revenue, or chargeable to the expenditure, of the Corporation:

Provided that nothing in this paragraph shall have effect so as to prevent the Corporation from paying from the funds of the Corporation the salaries and allowances of duly authorized employees of the Corporation employed in any savings bank or from receiving into the funds of the Corporation the reimbursements, payments, and contributions referred to in subsection (2); and

- (c) the Corporation shall, in any matter relating to a savings bank, be deemed to be in the service of the Government of the United Republic.

PART IV**FINANCIAL PROVISION**

Authorized capital

100. The authorized capital of the Corporation shall be such sum as the Minister may from time to time declare after consultation with the Minister for the time being responsible for finance.

Principals of operation and power to invest

101.-(I) The Corporation shall conduct its business according to commercial principles and shall perform its functions in such manner as to secure that, taking one year with another, its revenue is not less than sufficient to meet its outgoings which are properly chargeable to revenue account including proper allocations to the general reserve and provision in respect of depreciation of capital assets, pension liabilities and interest

and other provision for the repayment of loans and shall further ensure that, taking one year with another, its net operating income is not less than sufficient to secure an annual return on the value of the net fixed assets in operation by the Corporation of such a percentage as the Minister may, from time to time,, determine.

(2) For the purposes of subsection (1)-

- (a) "net operating income" shall be determined by subtracting from gross operating revenue all operating and administrative expenses including any taxes (if any) and adequate provision for maintenance and depreciation, and
- (b) "value of the net fixed assets in operation" shall be the value of the assets less the amount of accumulated depreciation shown in the statement of accounts of the Corporation, but if the amounts shown in the statement of accounts do not reflect a true measure of value of the assets concerned because of currency revaluations, changes in prices or similar factors, the value of the fixed assets shall be adjusted adequately to reflect those currency revaluations and depreciation; and

(3) With the prior approval of the Minister, the Board may, from time to time, invest any part of the moneys available in any fund of the Corporation and which is not for the time being required for the purposes of the business of the Corporation in such investments as are authorized investments in relation to investment of funds by a trustee under the Trustee Investments Act, 1967.

Acts, 1967
No. 33

102.-(1) The Board may, from time to time, with the approval of the Minister and with the consent of the Minister for the time being responsible for finance, obtain loans and other credit facilities from any person for the purposes of the Corporation upon such terms and conditions relating to repayment of the principal and the payment of interest as it may deem fit.

Power to
borrow

(2) The Board may, with the approval of the Minister and with the consent of the Minister for the time being responsible for finance, borrow money for the purposes of the Corporation by the issue of stock or by any other way.

(3) Stock issued under subsection (2) and the interest payable on it shall be charged upon all the property and revenue of the Corporation.

(4) A person lending money or according any credit facility to the Corporation shall not be money to enquire whether the necessary consent has been obtained and the Corporation shall be liable in respect of the transaction notwithstanding that consent was not obtained.

103.-(1) In this Act, "financial year" means any period not exceeding twelve consecutive months designated by the Board as the accounting period of the Corporation.

Annual and
supplementary
budget

(2) The first financial year of the Corporation shall commence on the date of the commencement of this Act and may be of a period longer or shorter than twelve months.

(3) Not less than two months before the beginning of every financial year (Other than the first financial Year) the Board shall, at a meeting, pass a detailed budget (in this Act called the "annual budget") of the amounts respectively-

- (a) expected to be received; and
- (b) expected to be disbursed,

by the Corporation during that financial year, and whenever circumstances so require, the Board May pass a supplementary budget in any financial year-

(4) The -annual budget and every supplementary budget shall be in such form and include such details as the Minister may approve.

(5) Forthwith up. passing any annual budget or any supplementary budget the Board shall submit to the Minister for his approval the annual budget, or, as the case may be, the supplementary budget.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve Or disapprove it or may approve it subject to such amendment as he May consider fit.

(7) Where the Minister approves any annual Or supplementary budget, with or without amendment, the budget, as approval by him, shall be binding on the Board which, subject to subsection (8). shall confine the disbursements of the Corporation within the items and amounts contained in the relevant budget as approved by the Minister.

(8) The Board may-

- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that the disbursement is not provided for in any budget',
- (b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure becoming necessary.

Accounts
and audit

104.-(1) The Board shall cause to be provided and kept proper books of accounts and records with respect to-

(a) the receipt and expenditure of moneys by, and other financial transaction of, the Corporation;

(b) the assets and liabilities of the Corporation,
and shall cause to be made out for every financial Year a balance sheet showing the details of the income and expenditures Of the Corporation and all its assets and liabilities-

(2) Within six months of the close of every financial year the accounts including the balance sheet of the corporation in respect of that financial year shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act, 1968.

Acts, 1968
No. I

(3) Every audited balance sheet shall be placed before a meeting of the Board and, if adopted by the Board, shall be endorsed with a certificate that it has been SO adopted.

(4) As soon as the accounts of the Corporation have been audited, and in any case not later than nine months after the close of the financial year, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report, if any, on that statement made by the auditors.

105.-(1) The Board shall cause to be prepared and submitted to the Minister within nine months after the close of each financial year an annual report dealing generally with the activities and operations of the Corporation during that year. The report shall include-

Annual
Report

- (a) a statement of all directions given under this Act by the President and by the Minister to the Corporation during that year;
- (b) such other information as the Minister may, by writing, request.

(2) The Corporation shall also submit to the Minister such other reports on its financial affairs as the Minister may by writing request from time to time.

106. The Minister shall as soon as practicable after receiving them lay before the National Assembly the audited accounts of the Corporation together with the annual report of the Corporation.

Audited
accounting
and Annual
Report to
be laid
before
National
Assembly

PART V

LEGAL PROVISIONS

107. Without prejudice in the provisions of section 284A of the Penal Code or of the Specified Officers (Recovery of Debts) Act, 1970 or the Parastatal Employees (Recovery of Debts) Act, 1974, no act or thing done or omitted to be done by any member of the Board or by any employee of the Corporation shall if done or omitted *bona fide* in the execution or purported execution of his duties as a member of the Board or an employee of the Corporation, subject him to any action, liability or demand of any kind.

Protection
of members
of the
Boards, etc
cap, 16
Acts, 1970
No. 7
Acts, 1974
No. 37

108.-(1) Where, in the exercise of the powers conferred by sections 15, 16, and 20 of this Act any damage is caused by the Corporation any person, no action or suit for compensation shall lie but that person shall, subject to subsection (2) be entitled to compensation for the damage and, in the case of dispute, the liability to, and the amount of compensation shall be determined in accordance, with provisions of this section

Compensa-
tion

- (2) No person shall be entitled to compensation-
 - (a) for any damage suffered unless he would have been entitled to it independently of this section; or
 - (b) for any damage suffered as a result of the use by the Corporation of any works authorized under this Act unless the damage results from negligence in the use of the works; or

(c) for any damage in respect of which it is expressly provided in this Act or any other written law that no compensation shall be payable.

(3) Where any person is entitled to compensation under this section and there (is a dispute as to the amount of compensation the person entitled to it or the Director-General may refer the dispute to a judge of the High Court who shall determine it in accordance with the provisions of Rules of Court to be made for that purpose, which Rules of Court may provide for assessors to sit with the judge.

Limitations

109. Where any action or other legal proceeding is commenced against the Corporation for any act done in pursuance or execution, or intended execution, of this Act or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or of that duty or authority, the following provisions shall have effect-

- (a) the action or legal proceeding shall not be commenced against the Corporation until at least one month after written notice containing the particulars of the claim, and of intention to commence the action or legal proceeding, has been served upon the Director-General by the plaintiff or his agent; and
- (b) the action or legal proceeding shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuing injury or damage, within six months next after the cessation of the injury or damage.

Restriction on execution against property of Corporation

110. Notwithstanding anything to the contrary in any law-

- (a) where any judgment or order has been obtained against the Corporation, no execution or attachment, or process of that nature shall be issued against the Corporation or against any property of the Corporation; but the Director-General shall cause to be paid out of the revenue of the Corporation such amounts as may, by the judgment or order, be awarded against the Corporation to the person entitled to it;
- (b) no property of the Corporation shall be seized or taken by any person having by law power to attach or distrain property without the previous written permission of the Director-General.

Service of notice etc., on the Director-General

111.-(1) Any notice or other, document required or authorized under this Act to be served on the Corporation, or the Director-General may be served—

- (a) by delivery of the notice or other document to the Director-General or to any authorized employee; or
- (b) by leaving it at the office of the Director-General; or
- (c) by sending it by registered post to the Director-General.

(2) For the purposes of subsection (1), "office of the Director-General" shall include the principal office of the Corporation.

112. Any notice or other document required or authorized under this Act to be served on any person by the Corporation or the Director-General or any employee may be served-

Service of
not use etc
by the Director-
General

- (a) by delivering it to that person; or
- (b) by leaving it at the usual or last known Place of abode of that person; or
- (c) by sending it by registered post addressed to that person at his usual or last known address.

113.-(1) Where any offence under this Act has been committed by a body corporate other than the Corporation, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of that body corporate, or was purporting to act in that capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

Offence by
Corporation
and forfeit-
ture of
apparatus

(2) Where a person is convicted of an offence under this Act in relation to the unlawful use of any telephone apparatus, telegraph apparatus, or radio communication apparatus, or to the use of any apparatus for the purpose of interfering with any radio communication, the court may, in addition to any other penalty, order all or any of the apparatus in connection with which the Offence was committed to be forfeited to the Corporation.

114.-(1) Where any employee of the Corporation leaves the services of the Corporation or dies and, at the time of termination of service or death, any property of the Corporation was in his possession or custody or any premises of the Corporation were occupied by him, it shall be the duty of the employee or, in the event of his death, of the person in whose possession that property may be or who may be occupying the premises, as soon as practicable, to deliver the property to the Corporation or to vacate the premises, as the case may be.

Property
of the
Corporation
in custody
of employee,
etc

(2) If any property or premises to which subsection (1) refers is not delivered to the Corporation or vacated, as the case may be, the Director-General shall give notice in writing to the person appearing to him most likely to be in possession of the property or in occupation of the premises to deliver to the Corporation the property or vacate the premises within such time as may be specified in the notice; and, if the property is not so delivered or the premises are not so vacated within the specified time, the Director-General may, without prejudice to any other means of recovery of the property or premises, apply to a magistrate for an Order empowering a Police Officer, if necessary by force, to enter and search any house or building where the property is believed to be and to deliver the property if found to the Corporation or, as the case may require, to evict from the premises any person found in occupation of the premises.

The Corporation may assume function of the East African Post and Telecommunications Corporation

115. Until such time as the East African Posts and Telecommunications Corporation ceases to exist or the President by order published in the Gazette, declares that the East African Posts and Telecommunications Corporation Act of the Community shall cease to extend and apply to the United Republic, it shall be lawful for the Corporation to assume from the East African Posts and Telecommunications Corporation or any other person or authority in whom the functions of the East African Posts and Telecommunications Corporation have been lawfully vested, the management of the affairs, properties and operations of the East African Posts and Telecommunications Corporation as at the assumption by the Corporation of such management and the Corporation shall manage such affairs, properties and operations of the East African Posts and Telecommunications Corporation subject to such directions as the Minister may give in that behalf, and the provisions of this Act shall apply as if such affairs, properties and operations were the affairs, properties and operations of the Corporation.

The President may make transitional provisions.

116. The President may, by order in the Gazette, make such provisions as he may consider necessary or desirable for the maintenance of continuity between the operations of the East African Posts and Telecommunications Corporation and those of the Corporation and for the effective assumption by the Corporation of responsibility for the operations, projects and activities of the East African Posts and Telecommunications Corporation and upon the occurrence of either of the events referred to in section 115 the President may, by order in the Gazette provide for any of the matters which he may provide for under section 8 of the Public Corporations Act, 1969 as if the East African Posts and Telecommunications Corporation were a statutory corporation and the Corporation were a public corporation as defined in that Act.

Acts, 1969 No. 17

Regulations etc., made under the East African Posts and Telecommunications Corporation Act

117.-(1) Until regulations are made by the Minister under this Act all subsidiary legislation, other than subsidiary legislation relating to pensions, gratuities or other superannuation benefits, made under the East African Posts and Telecommunications Corporation Act and, in particular, but without prejudice to the generality of the foregoing, the subsidiary legislation set out in the Second Schedule to this Act, as from time to time amended and in force at the date when this Act comes into operation, shall apply, with necessary modifications, as if that subsidiary legislation were made under this Act.

(2) Until such time as a Post Office Guide is published under this Act, the Post Office Guide published under the East African Posts and Telecommunications Corporation Act shall continue in force as the Post Office Guide published under this Act and may be amended and replaced accordingly.

FIRST SCHEDULE

(Section 5 (2))

BOARD OF DIRECTORS

1.-(1) The Board shall consist of-

(a) a Chairman, who shall be appointed by the President;

(b) the Director-General;

(c) not less than seven but not more nine other members, who shall be appointed by the Minister.

Composition of Board

(2) When appointing members under Paragraph (1) (c), due regard shall be paid to the experience and involvement of the person in commerce, industry, finance or administration or his technical qualifications and experience.

Vice-Chairman

2. The members of the Board shall elect a member from amongst themselves to be the Vice-Chairman of the Board, and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, and shall be eligible for re-election.

Tenure of appointment

3.-M A member of the Board, other than the Director-General, shall, unless this appointment is sooner terminated by the appointing authority, appointment or he ceases in any other way to be a member, hold Office for the period specified in the instrument of his appointment or, if no period is so specified, for a period of three years from the date of his appointment and shall be eligible for re-appointment

(2) Any member of the Board, other than the Director-General, may at any time resign his office by giving notice in writing addressed to the appointing authority, and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

4. When any member of the Board, other than the Director-General, is by reason of absence from the United Republic or illness or other sufficient cause unable to perform his duties as a member of the Board, the appointing authority may appoint a temporary member in his place, and the temporary member shall hold office until the resumption of duty of the substantive member or until the term of office of the substantive member expires, whichever occurs first

Appointment of temporary member

5.-(1) The Board shall ordinarily meet for the transaction of business at the times and at the places decided upon by the Board, but shall meet at least once every two months.

Meeting of the Board

(2) The Chairman, or in his absence the Vice-Chairman, may at any time call a special meeting of the Board, and shall, call a special meeting upon a written request by a majority of the members of the Board in office.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Board. In the absence of both the Chairman and the Vice-Chairman the members present shall appoint a member from amongst themselves to preside over the meeting.

6. The quorum at a meeting of the Board shall be the majority of the members in office.

Quorum

Decisions of
the Board

7.-(1) Questions proposed at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote.

(2) Notwithstanding sub-paragraph (1), a decision may be made by the Board without a meeting by circulation of the relevant papers among the members of the Board, and the expression of the views of the majority of the members of the Board in writing, but any member shall be entitled to require that the decision be deferred and the subject matter be considered at a meeting of the Board.

Minutes of
meetings

8. The Board shall cause to be recorded and kept minutes of all proceedings of its meetings, and the minutes of each meeting of the Board shall be confirmed by the Board at the next meeting and signed by the Chairman of the meeting.

Vacancies,
etc, not to
invalidate
proceedings

9. The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

Execution of
contracts,
etc.

10.-(1) The application of the official seal of the Corporation shall be authenticated by two signatures, namely-

- (a) the signature of the Chairman of the Board or some other member of the Board, other than the Director-General, authorized by the Board in that behalf; and
- (b) the signature of the Director-General or some other employee of the Corporation authorized by the Board to act for that purpose in place of the Director-General.

(2) Any instrument or contract which, if executed or entered into by a person other than a body corporate, would not be required to be under seal, may be executed or entered into on behalf of the Corporation by the Director-General or any other member of the Board if that member has previously been authorized, either specifically or generally by resolution of the Board, to execute or enter into that particular instrument or contract or that class of instrument or contract.

(3) Every document purporting to be a document executed or issued by or on behalf of the Corporation and to be-

- (a) sealed with the official seal of the Corporation authenticated in the manner provided by sub-paragraph (1); or
- (b) signed by the Director-General or by a member of the Board authorized in accordance with sub-paragraph (2) to act for that purpose,

shall be deemed to be so executed or issued until the contrary is proved.

Board may
regulate
its own
proceedings

11. Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

Proof of
documents

12. Any document purporting to be a document duly executed or issued under the seal of the Corporation or on behalf of the Corporation shall be received in evidence and be deemed to be a document so executed or Issued (as the case may be) without further proof unless the contrary is shown.

SECOND SCHEDULE

(Section 117)

Subsidiary Legislation under the East African Posts and Telecommunications Corporation Act

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| 1. The East African Telegraph Regulations | L.N. No. 1 of 1970 |
| 2. The East African Telex Regulations | L.N. No. 2 of 1970 |
| 3. The East African Radio Communications Regulations | L.N. No. 3 of 1970 |
| 4. The East African Radio Call Service Regulations | L.N. No. 4 of 1970 |
| 5. The East African Citizen Band Radio Communications Regulations | L.N. No. 5 of 1970 |
| 6. The East African Radio Communications (Limitation of Radio Interference) Regulations. | L.N. No. 6 of 1970 |
| 7. The East African Telephone Regulations | L.N. No. 7 of 1970 |
| 8. The East African Telephone (Privately-owned System) Regulations | L.N. No. 8 of 1970 |
| 9. The East African Postal Regulations | L.N. No. 23 of 1970 |

Passed in the National Assembly on the twenty-fifth day of October, 1977.



Clerk of the National Assembly