



Jersey

TELECOMMUNICATION SERVICES (JERSEY) ORDER 1972

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APPENDIX



Jersey

TELECOMMUNICATION SERVICES (JERSEY) ORDER 1972

Jersey Order in Council 29/1972

TELECOMMUNICATION SERVICES (JERSEY) ORDER 1972.

(Registered on the 15th day of December, 1972).

At the Court at Buckingham Palace.

28th November, 1972.

Present

The Queen's Most Excellent Majesty in Council.

WHEREAS an agreement has been concluded between the Minister of Posts and Telecommunications and the States of Jersey providing for the surrender by the Post Office, as regards the Bailiwick of Jersey, of the privilege conferred on the Post Office by section 24 of the Post Office Act 1969¹ and the administration in that Bailiwick by, or under the authority of, the States instead of the Post Office of such telecommunication services as are being administered there by the Post Office:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 87(1) of the Post Office Act 1969,² is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: -

1. This Order may be cited as the Telecommunication Services (Jersey) Order 1972 and shall come into operation on 1st January 1973.
2. This Order applies only to the Bailiwick of Jersey.

¹ Tome 1968–1969, page 509.

² Tome 1968–1969, page 540.

3.-(1) The Interpretation Act 1889 shall apply for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament, and section 38 of that Act (effect of repeals) shall apply as if this Order were an Act of Parliament.

(2) Any reference in this Order to any enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended, and as including a reference to it as extended or applied, by or under any other enactment, including the Post Office Act 1969,³ or by this Order.

4. The agreement mentioned in the preamble to this Order and set out in the Schedule thereto shall have the force of law.

5. Sections 9, 14, 15, 24, 25, 26, 27, 28, 78 and 88(4) of the Post Office Act 1969⁴ are hereby repealed.

6. Section 80 of the Post Office Act 1969⁵ (provision of information to persons holding office under the Crown) shall apply in relation to telecommunication services as if the words “provided by the Post Office” were omitted and as if for the words “laid on the Post Office for the like purposes and in the like manner” there were substituted the words “laid on an officer of the States Telecommunications Board¹ by Her Majesty’s Attorney General for Jersey for the like purposes”.

7. The Post Office Act 1953 is hereby repealed.

8.-(1) The Telegraph Act 1868 (except for sections 2 and 3), the Post Office (Protection) Act 1884 and section 45 of the Telegraph Act 1863 are hereby repealed.

(2) The provisions of the Telegraph Act 1863 (other than the provisions of section 45 of that Act), as they apply in the Bailiwick of Jersey immediately before the day on which this Order comes into operation, shall on that day cease so to apply, except in relation to the transferred lines and the maintaining, altering, removing or renewing of those lines.

(3) On that day, the rights and liabilities which by virtue of those provisions (and of consents given for the purposes of those provisions) are enjoyed by, and incumbent on, the Post Office in relation to the transferred lines immediately before that day shall become those of the States Telecommunications Board (and shall cease to be those of the Post Office) and the Board shall in relation to those lines become subject to the restrictions imposed by those provisions (and by the terms and conditions of those consents) to which the Post Office is subject immediately before that day.

(4) As from that day, in the application of those provisions within the said Bailiwick in relation to the transferred lines and the maintaining, altering, removing and renewing of those lines, references therein (and in such consents) to the company and to the Postmaster General which, by virtue of subsection (1) of section 21 of the Post Office Act 1969⁶ are to be construed as referring to the Post Office shall (except so far as the context excludes such a construction) be construed as referring to the Board and such references therein which by virtue of that subsection are to be construed as including references to the Post Office shall be construed as including references to the Board also.

³ Tome 1968–1969, page 488.

⁴ Tome 1968–1969, pages 497, 500, 504, 509, 511, 512, 514, 535 and 542.

⁵ Tome 1968–1969, page 535.

¹ by R&O.154/2003 the functions of the Telecommunications Board were transferred to the Economic Development Committee

⁶ Tome 1968–1969, page 508.

(5) A notice or certificate given, request made or requirement imposed under or for the purposes of any provision of the said Act of 1863 by, to or on the Postmaster General or the Post Office which is effective on that day shall, as from that day, have effect as if given, made or imposed by, to or on the Board.

(6) In this Article, “the transferred lines” means the telegraphs, posts and works and parts of telegraphs and works which, immediately before the day on which this Order comes into operation, are being maintained by the Post Office in the Bailiwick of Jersey under and in accordance with the Telegraph Act 1863, being telegraphs, posts, works and parts which it has been agreed between the Post Office and the Board should vest in the Board on that day.

W.G. AGNEW.

*SCHEDULE***(Article 4)****AGREEMENT BETWEEN THE MINISTER OF POSTS AND TELECOMMUNICATIONS
AND THE STATES OF JERSEY**

This Agreement made the twenty-second day of November one thousand nine hundred and seventy-two between the Right Honourable Sir John Eden Bt. M.P. Her Majesty's Minister of Posts and Telecommunications (hereinafter called "the Minister") in exercise of the powers conferred on him by the Post Office Act 1969 and on behalf of Her Majesty of the one part and Edward James MacGregor Potter Esquire, Greffier of the States of Jersey on behalf of the States of Jersey (authorised by Act of the States dated 21st November 1972) of the other part.

Whereas subsection (1) of section 87 of the Post Office Act 1969 makes provision in the event of the conclusion of an agreement between the Minister of Posts and Telecommunications and the States of Jersey for the surrender by the Post Office as regards the Bailiwick of Jersey of the privilege conferred on the Post Office by section 24 of the Post Office Act 1969 and for the administration in that Bailiwick by or under the authority of the States instead of the Post Office of such telecommunication services as are being administered there by the Post Office.

Now it is hereby agreed as follows:

1. This Agreement takes effect on 1st January 1973.
2. The Post Office surrenders as regards the Bailiwick of Jersey the exclusive privilege conferred on the Post Office by section 24 of the Post Office Act 1969 and such telecommunication services as are at present being administered in that Bailiwick by the Post Office shall be administered in that Bailiwick by or under the authority of the States of Jersey instead of by the Post Office.
3. If, in the opinion of the Minister, it is requisite or expedient in the interests of national security or relations with the government of a country or territory outside the British Islands or, in relation to the Bailiwick of Jersey, in order to discharge or facilitate the discharge of an obligation of Her Majesty's Government in the United Kingdom by virtue of its being a member of an international organisation or a party to an international agreement, to attain or facilitate the attainment of any other object in view of that Government being a member or party as aforesaid, or to enable that Government to become a member or party as aforesaid, that any thing should be done or not done, the States of Jersey will do what is necessary to secure that it is done or not, as the case may be.
4. The States of Jersey shall not without prior consultation with the Minister set up or permit to be set up a new direct telecommunication link, or increase the capacity or permit any increase in the capacity of an existing such link, with any country or territory other than the United Kingdom or Bailiwick of Guernsey, nor without such consultation introduce or permit to be introduced any new type of telecommunication service with any country or territory other than the United Kingdom or Bailiwick of Guernsey.

In witness whereof the Minister has hereunto set his hand and seal and the said Edward James MacGregor Potter has signed these presents for and on behalf of the States of Jersey, the day and year first above written.

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Signed sealed and delivered by the
said Sir John Eden in the presence
of: -

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John Eden

A. Fortnam
Civil Servant
Ministry of Posts and Telecommunications.

Signed by the said
Edward James
MacGregor Potter
in the presence of: -

}

E. J. M. Potter

G. H. C. Coppock
States' Greffe
Jersey.