# CHAPTER 25.

An Act to amend the law with respect to the postage rates for newspapers, the rates for press telegrams, and charges under telegraph contracts, to enable special terms, conditions and rates to be prescribed for certain telegrams, and to enable certain contracts for publications at rates including postage to be determined.

[13th June 1940.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Abolition of maximum postage rates for newspapers. 8 Edw. 7. c. 48.

**1.** Proviso (*b*) to subsection (1) of section two of the Post Office Act, 1908 (which limits the rate of postage which may be charged in respect of registered newspapers) is hereby repealed.

Determination of contracts for publications.

**2.** Any party to a contract for the supply or delivery of any publications at rates including postage may, if the rate of postage applicable thereto has been increased after the twenty-third day of April nineteen hundred and forty and before the first day of January nineteen hundred and forty-one, by notice in writing given to the other party within fourteen days after the date on which the rate has been raised or the date of the

commencement of this Act, whichever is the later, determine the contract as from the date of the notice as respects the supply or delivery of those publications.

Increased rates for press telegrams. 31 & 32 Vict. c. 110. 5 & 6 Geo. 5. c. 82.

**3.** The maximum rates chargeable in respect of press telegrams under section sixteen of the Telegraph Act, 1868, as amended by paragraph (*c*) of section one of the Post Office and Telegraph Act, 1915, for the transmission to a single address of every eighty words between the hours of six p.m. and nine a.m. and every sixty words between the hours of nine a.m. and six p.m. shall be increased from one shilling to one shilling and three pence.

Special terms and rates for certain telegrams. 48 & 49 Vict. c. 58.

**4.** Notwithstanding anything in the Telegraph Acts, 1863 to 1926, regulations may be made under section two of the Telegraph Act, 1885, prescribing special terms, conditions or rates on or at which telegraphs may be used by all persons in any specified manner or at any specified time or for any specified class of message, and in particular, but without prejudice to the generality of the foregoing provisions of this section—

(*a*) providing that priority over all other messages, except messages on His Majesty's service having priority under section forty-eight of the Telegraph Act, 1863, shall be given to messages transmitted at special rates prescribed by the regulations; 26 & 27 Vict. c. 112.

(*b*) prescribing special rates for the transmission of messages in connection with which special services (including the delivery of a message on a special ornamental form and in a special envelope) are rendered;

and any special rate so prescribed may exceed the maximum rate for telegrams provided by the Telegraph Acts, 1863 to 1926.

Increase of charges under telegraph contracts.

**5.**—(1) Subject to the provisions of this section, there shall be payable to the Postmaster General by the subscriber under every telegraph contract made—

(*a*) before the first day of July nineteen hundred and forty, by the Postmaster General; or

(*b*) at any time (whether before or after the commencement of this Act), by any local telegraph authority;

a sum equal to the appropriate percentage of all charges payable under the contract, being charges to which this section applies.

(2) This section applies to all charges by way of rental for a period after the thirtieth day of June nineteen hundred and forty, and all other charges in respect of telegraphs or telegraph services provided after that date, except—

(*a*) charges payable at rates for the time being fixed by or in accordance with regulations made under section two of the Telegraph Act, 1885, or by warrant under the Post Office Act, 1908; and

(*b*) charges in respect of the repair or replacement of any apparatus damaged, destroyed or lost; and

(*c*) charges (other than charges by way of rental) in respect of telegraphs or telegraph services provided after the said date in pursuance of a telegraph contract made before the fifteenth day of June nineteen hundred and forty, not being telegraphs or services required by the contract to be provided after the said thirtieth day of June.

(3) For the purposes of this section, the appropriate percentage in relation to any contract shall be—

(*a*) in the case of an exchange service contract, fifteen per cent.; and

(*b*) in any other case, twenty-five per cent.

(4) The sum payable to the Postmaster General under this section in respect of any charge shall be payable in addition to the charge and shall be payable at the time at which the charge is payable in accordance with the telegraph contract; and for the purposes of this section, where any charge by way of rental payable for a period including the first day of July nineteen hundred and forty is payable or has been paid in advance, the charge shall be apportioned between the period before and the period beginning with that date, and the part so apportioned to the period beginning with that date shall be deemed to be payable on that date.

(5) In relation to any sum payable to him under this section in respect of a telegraph contract made by him, the Postmaster General shall have all such rights and remedies under the contract and otherwise as he has in relation to the charge in respect of which that sum is payable.

(6) The Postmaster General may by notice in writing require any local telegraph authority to collect on his behalf the sums payable to him under this section in respect of telegraph contracts made by that authority; and where any such notice is given—

(*a*) all the provisions of the telegraph licence granted by the Postmaster General to the local telegraph authority relating to charges the whole of which are payable in accordance therewith to the Postmaster General (being charges incurred by subscribers under telegraph contracts made by the authority in respect of the use by those subscribers of telegraph services provided by the Postmaster General) shall apply in relation to the sums to which the notice relates as they apply in relation to those charges; and

(*b*) the local telegraph authority shall, in relation to any such sum, have all such rights and remedies under the telegraph contract and otherwise as they have in relation to the charge in respect of which that sum is payable.

(7) Where the amount of any charge payable by virtue of a telegraph licence, being a charge which is expressed by the licence to be payable by way of royalty, is required to be ascertained by reference to receipts of the licensee after deducting the amount of, or an amount calculated by reference to, any charge in respect of which a sum is payable to the Postmaster General under this section, the amount of the deduction shall be increased by the appropriate percentage.

(8) Notwithstanding anything in any telegraph contract subsisting at the commencement of this Act, the subscriber may, by notice in writing given within one month after the commencement of this Act to the Postmaster General or the local telegraph authority, as the

case may be, determine the contract at the expiration of one month from the date of the notice.

(9) Where a telegraph contract is determined or expires within two months from the commencement of this Act, whether under the last foregoing subsection or otherwise, no sum shall be payable under this section to the Postmaster General in respect of any charges under the contract.

(10) For the purpose of this section, the following expressions have the meanings hereby respectively assigned to them—

"Charge by way of rental," in relation to a contract, includes every periodical charge payable under the contract, except a charge expressed by the contract to be payable by way of royalty;

"Exchange service contract" means a telegraph contract for the provision of telegraphic communication through the medium of any telephone exchange operated by the Postmaster General or the local telegraph authority which is not so operated exclusively for the purpose of that contract;

"Local telegraph authority" means any municipal corporation or other local authority to whom the Postmaster General has granted a telegraph licence;

"Subscriber" means any party to a telegraph contract other than the Postmaster General or a local telegraph authority;

"Telegraph contract" means a contract made by the Postmaster General or by virtue of a telegraph licence granted to a local telegraph authority, for the provision by the Postmaster General or by that authority of telegraphs or telegraph services;

"Telegraph licence" means a licence granted by the Postmaster General to work and use telegraphs;

"Telegraph services" means all services or facilities directly or indirectly connected with the use of telegraphs, including the services of operators and the supply of any article.

Short title, citation, construction and extent.

**6.**—(1) This Act may be cited as the Post Office and Telegraph Act, 1940.

(2) So much of this Act as relates to rates of postage shall be construed as one with the Post Office Acts, 1908 to 1935, and may be cited together with those Acts as the Post Office Acts, 1908 to 1940.

(3) So much of this Act as relates to telegraphs shall be construed as one with the Telegraph Acts, 1863 to 1926, and may be cited together with those Acts as the Telegraph Acts, 1863 to 1940.

(4) Sections one to four of this Act and the foregoing provisions of this section shall extend to the Channel Islands, and the Royal Courts of the Channel Islands shall register this Act accordingly.

(5) It is hereby declared that this Act extends to Northern Ireland.

(6) This Act shall extend to the Isle of Man.

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