SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 40.

An Act to amend the Telegraph Acts, 1863 to 1915, with respect to the construction and maintenance of telegraphic lines. [23rd August 1916.]

A.D. 1916.

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:

User of land and buildings for telegraphic lines.

1. If the owner, lessee or occupier of any land or building refuses or fails to give his consent to the placing of a telegraphic line under, in, upon, over, along or across the land or building within two months after being required to do so by notice from the Postmaster-General, a difference shall be deemed to have arisen between the Postmaster-General and that owner, lessee, or occupier, and sections three, four and five of the Telegraph Act, 1878, shall apply accordingly as if it were a difference arising under that Act:

41 & 42 Vict. c. 76.

Provided that the tribunal to which the difference is referred under these sections shall not give its consent to the placing of the line unless satisfied that such refusal or failure is contrary to the public interest; and in deciding whether to give its consent or to impose any terms, conditions, or stipulations, including the carrying of any portion of the line underground, the tribunal shall, among other considerations, have regard to the effect, if any, on the amenities or value of the land of the placing of the line in the manner proposed:

Provided also that, subject as aforesaid, all the provisions of the Telegraph Act, 1863, shall apply in the case of the exercise of any powers authorised to be exercised under this section, and such owner, lessee, or occupier, shall have and enjoy all the benefits of such provisions.

26 & 27 Vict. c. 112.

Amendment of section 4 of 55 & 56 Vict. c. 59.

2. The proviso to subsection (1) of section four of the Telegraph Act, 1892 (which relates to telegraphic lines constructed irregularly or by persons other than the Postmaster-General), shall extend and apply to a telegraphic line placed under, in, upon, over, along or across any land or building, as

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well as to a telegraphic line constructed under or along a street or public road.

Application of 8 Edw. 7. c. 33. ss. 3 and 6.

3. Section three and section six of the Telegraph (Construction) Act, 1908 (which relate to public recreation grounds and the determination of differences), shall apply as if they were herein re-enacted and in terms made applicable to this Act.

Restriction on power of entry for construction and maintenance.

4. Before entering on land or buildings for the purpose of the construction or maintenance of any telegraphic line the Postmaster-General shall, except in case of emergency, endeavour to make an arrangement with the occupier of the land as to the times of entry for such purpose, and if any difference arises between the Postmaster-General and the occupier it shall be determined in manner aforesaid.

Interpretation, notices, repeal, extent, and short title.

5.—(1) In this Act any expressions to which a special meaning is attached under the Telegraph Acts, 1863 to 1915, or any of them, shall have the same respective meanings in this Act.

(2) Section twelve of the Telegraph Act, 1878 (which relates to the printing, authentication and service of notices and other documents), shall apply, for the purposes of this Act, as it applies for the purposes of that Act.

(3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) This Act and the Telegraph (Construction) Act, 1908, shall extend to the Isle of Man as if they were Telegraph Acts to which the Telegraph (Isle of Man) Act, 1889, applies.

52 & 53 Vict. c. 34.

(5) This Act may be cited as the Telegraph (Construction) Act, 1916, and may be cited with the Telegraph Acts, 1863 to 1915.

SCHEDULE.

Section 5 (3).

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 59.	The Telegraph Act, 1892 -	Section two.
8 Edw. 7. c. 33	The Telegraph (Construction) Act, 1908.	Sections one and four.

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