

**TELEGRAPH (CENSORSHIP AND CONTROL) ACT**

**Repealed by Act. 2007-17 as from 14.6.2007**

**Principal Act**

<b>Act. No. 1904-03</b>	<i>Commencement</i>	27.9.1904
	<i>Assent</i>	27.9.1904

Amending enactments	Relevant current provisions	Commencement date
None		

English sources

None cited

ARRANGEMENT OF SECTIONS.

Section

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AN ACT GIVING THE GOVERNOR POWERS OF TELEGRAPH CENSORSHIP, ETC.

**Short title.**

1. This Act may be cited as the Telegraph (Censorship and Control) Act.

**Interpretation.**

2. In this Act, unless the context otherwise requires,-

"the company" means any company, corporation or person for the time being engaged in Gibraltar in transmitting or receiving telegrams;

"telegram" shall have the same meaning as in the Telegraph Act, 1869;

"wireless telegraphy" shall have the same meaning as in the Wireless Telegraphy Act.

**Power to require the production of telegrams.**

3. Notwithstanding anything in this Act or in any other law contained, where it appears to the Governor that such a course is expedient in the public interest, he may, by warrant under his hand, require any person who owns or controls any telegraphic cable or wire, or any apparatus for wireless telegraphy, used for the sending or receipt of telegrams to or from any place out of Gibraltar, to produce to him, or to any person named in the warrant, the originals and transcripts, either of all telegrams or of telegrams of any specified class or description or of telegrams sent from or addressed to any specified person or place, sent or received to or from any place out of Gibraltar by means of any such cable, wire or apparatus, and all other papers relating to any such telegram.

**Power of control over the transmission of telegrams, etc.**

4. (1) If and whenever in the opinion of the Governor an emergency shall have arisen in which it is expedient for the public service that the Government shall have control over the transmission of telegrams by the company it shall be lawful for the Governor by warrant under his hand to direct and authorize such persons as he may think fit to assume the control of the transmission of telegrams by the company either wholly or partly and in such manner as he may direct, and such persons may enter upon the company's premises accordingly, or the Governor may direct the company to submit to him or any person authorized by him all telegrams tendered for

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transmission or received by the company or any class or classes of such telegrams and to stop or delay the transmission of any telegrams or deliver the same to him or his agent and generally to obey all such directions with reference to the transmission of telegrams as the Governor may prescribe, and the company shall obey and conform to all such directions:

Provided that if default shall be made by the company in the observance or performance of any provision hereinbefore contained it shall be lawful for the Governor by warrant under his hand to direct and cause so much of the company's works as are in Gibraltar or any part of such works to be taken possession of for such service as to the Governor may seem .fit, and in that event any person authorized by the Governor may enter upon the offices and works of the company or any of them and take possession thereof and use the same as aforesaid.

(2) Nothing herein contained shall be deemed in any way to prejudice or abridge the power of the Government to take possession under or by virtue of any agreement for the time being in force.

### **Compensation for loss.**

5. In any such case, if the company show that during the exercise of any of the powers aforesaid their receipts from the telegraphs with respect to which the said powers have been exercised have been less than their receipts from the same source during a corresponding period on the average of the last preceding three years, the Government shall pay to the company as compensation for any loss of profit sustained by the company by reason of the exercise by the Governor of any of the powers hereby reserved, such sum as may be settled between the Governor and the company by agreement or as in case of difference may be determined by arbitration under the Arbitration Act:

Provided always that no such compensation shall be paid, if and so far as the powers hereby reserved to the Governor are exercised for the purpose of preventing direct communication with any of Her Majesty's enemies, and save with the consent of the Governor no such compensation shall be paid if and so far as the powers are exercised for the purposes of preventing indirect or suspected communication with any of Her Majesty's enemies or of protecting the interests of Her Majesty under the apprehension of impending war.

### **Further provision as to compensation.**

6. In estimating such compensation as in section 5 provided, the arbitrator shall take into account all the circumstances of the case, including not only any such loss as aforesaid, but also any additional profit accruing to the company from the emergency which gave rise to the exercise of the powers

and, as regards the telegraphs with respect to which the powers have been exercised, the receipts of the company on the average of the last preceding three years, during a period corresponding to that of the exercise of the powers shall be deemed to be the receipts which the company would have taken during the period of exercise of the powers had the powers not been exercised.

### **Offences.**

7. A person who, on being required to produce any such original or transcript or paper under section 3, refuses or neglects to do so is guilty of an offence against this Act, and for each offence is liable on summary conviction to imprisonment for three months and to a fine of £50.