

英美電信法簡介

英國

1839年英國在倫敦和西德來敦之間架設了第一條電報線，此為英國電信事業之始。1869年，英國郵政總局取得所有電波通信之法律獨佔權，電報事業收歸國有。英國電話事業本由私人經營，1896年首先將長途電話收歸國有，繼之於1901年至1905年間將全國之市內電話收歸郵政總局經營。英國郵政總局不但獨家經營國際和國內的電信基本網路、電腦通信業務、以及用戶終端設備的供應和維護，同時也是英國電信法中的執法者，監督電信事業之利用及電信器材之檢驗，負責電信之研究發展，並執行電信政策。

相關法案如下：

1868 Telegraph Act

1870 Telegraph Act

1899 Telegraph Act

1981 British Telecommunications Act

1984 Telecommunications Act

1984年電信法(Telecommunications act 1984)條文要旨

PART I INTRODUCTORY

Section

- 1 The Director General of Telecommunications
- 2 Abolition of British Telecommunications' exclusive privilege
- 3 General duties of Secretary of State and Director
- 4 Meaning of "telecommunication system" and related expressions

PART II
PROVISION OF TELECOMMUNICATION SERVICES

Licensing etc of telecommunication systems

- 5 Prohibition on running unlicensed systems
- 6 Exceptions to section 5
- 7 Power to license systems
- 8 Special provision applicable to certain licences
- 9 Public telecommunication systems
- 10 The telecommunications code
- 11 Provisions supplementary to section 10

Modification of licences

- 12 Modification of licence conditions by agreement
- 13 Licence modification references to Commission
- 14 Reports on licence modification references
- 15 Modification of licence conditions following report

Enforcement of licences

- 16 Securing compliance with licence conditions
- 17 Procedural requirements
- 18 Validity and effect of orders
- 19 Register of licences and orders

Approvals etc for the purposes of licences

- 20 Approval of contractors
- 21 Register of approved contractors
- 22 Approval etc of apparatus
- 23 Register of approved apparatus etc
- 24 Approval etc of meters
- 25 Delegation of functions under sections 22 and 24
- 26 Grants and loans to persons exercising certain functions
- 27 Recognition of bodies representing consumers etc

Standards of performance

- 27A Standards of performance in individual cases

- 27B Overall standards of performance
- 27C Information with respect to levels of performance
- 27D Information to be given to customers about overall performance
- 27E Procedures for dealing with complaints
- 27F Disputes about discrimination etc in fixing charges
- 27G Billing disputes
- 27H Deposits
- 27I Complaints about deposits
- 27J Disconnections
- 27K Enforcement of standards of performance, etc
- 27L Definitions for sections 27A to 27K

Marking etc of telecommunication apparatus

- 28 Information etc to be marked on or to accompany telecommunication apparatus
- 29 Information etc to be given in advertisements
- 30 Enforcement provisions

Rating of telecommunications operators

- 33 Rating in Northern Ireland

Acquisition etc of land by public telecommunications operators

- 34 Compulsory purchase of land in England and Wales
- 36 Compulsory purchase of land in Northern Ireland
- 37 Entry, for exploratory purposes, on land in England and Wales
- 39 Entry for exploratory purposes on land in Northern Ireland
- 40 Acquisition of land by agreement
- 41 Purchase of Duchy of Lancaster land

Offences

- 42 Fraudulent use of telecommunication system
- 43 Improper use of public telecommunication system
- 44 Modification etc of messages
- 45 Interception and disclosure of messages etc
- 46 Assaults etc on persons engaged in the business of public telecommunications operators

Regulations

46A Powers to make regulations

PART III OTHER FUNCTIONS OF DIRECTOR

- 47 General functions
- 48 Publication of information and advice
- 49 Investigation of complaints
- 50 Functions under 1973 and 1980 Acts
- 51 Co-ordination of functions under Part II and wireless telegraphy functions
- 52 Power to give assistance in relation to certain proceedings
- 53 Power to require information etc
- 54 Power to establish advisory bodies
- 55 Annual and other reports

PART V TRANSFER OF UNDERTAKING OF BRITISH TELECOMMUNICATIONS

- Vesting of property etc of British Telecommunications in a company nominated by the Secretary of State
- 60 Vesting of property etc of British Telecommunications in a company nominated by the Secretary of State
- 61 Initial Government holding in the successor company
- 62 Conversion of certain loans transferred to the successor company
- 63 Government investment in securities of the successor company
- 64 Exercise of Secretary of State's functions through nominees
- 65 Target investment limit for Government shareholding
- 66 Financial structure of the successor company
- 67 Temporary restrictions on successor company's borrowings etc
- 68 Liability of Secretary of State in respect of liabilities vesting in successor company
- 69 Dissolution of British Telecommunications

Miscellaneous and supplemental

- 70 Application of law in relation to offer of shares or debentures of the successor company
- 71 Application of Trustee Investments Act 1961 in relation to investment in the successor company
- 72 Tax provisions
- 73 Interpretation of Part V

PART VI

PROVISIONS RELATING TO WIRELESS TELEGRAPHY

Amendment and enforcement of Wireless Telegraphy Acts

- 75 Alteration of penalties and mode of trial for certain offences under the 1949 Act
- 77 Substitution of new section for section 7 of the 1967 Act
- 79 Seizure of apparatus and other property used in committing certain offences under the 1949 Act
- 80 Proceedings in England and Wales or Northern Ireland for forfeiture of restricted apparatus
- 83 Disposal of apparatus and other property seized by virtue of section 79

Approvals

- 84 Approval of wireless telegraphy apparatus etc

Marking etc of apparatus

- 85 Information etc to be marked on or to accompany apparatus
- 86 Information etc to be given in advertisements
- 87 Offences under section 85 or 86 due to default of third person

Miscellaneous and supplemental

- 88 Wireless telegraphy functions of Director
- 89 Abolition of advisory committee
- 90 Radio interference service
- 91 Construction of references to conclusion of proceedings
- 92 Interpretation of Part VI and minor amendments

PART VII
MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

- 93 Grants to promote interests of disabled persons
- 94 Directions in the interests of national security etc
- 95 Orders under the 1973 and 1980 Acts
- 96 Prohibitions and restrictions applying to lessees with respect to telecommunications
- 97 Contributions by local authorities towards provision of facilities
- 98 Use of certain conduits for telecommunication purposes
- 100 Membership of British Telecommunications

Supplemental

- 101 General restrictions on disclosure of information
- 102 Offences by bodies corporate
- 103 Summary proceedings
- 104 Orders and schemes
- 105 Financial provisions
- 106 General interpretation
- 107 Application to territorial waters and the continental shelf etc
- 108 Extension to the Isle of Man' and the Channel Islands
- 109 Amendments, transitional provisions and repeals
- 110 Short title, commencement and extent

SCHEDULES

Schedule 1—Director General of Telecommunications

Schedule 2—The telecommunications code

Schedule 3—Penalties and mode of trial under the Wireless Telegraphy
Act 1949

Schedule 4—Minor and consequential amendments

Schedule 5—General transitional provisions and savings

Schedule 6—Special transitional provisions with respect to patents for
inventions and registered designs

Schedule 7—Repeals

美國

民營獨佔的電信事業型態一直是美國電信事業的一大特色。1857年美國開始有電信事業，雖然並未立法保護電信事業的獨佔，但是早期的電話和電報供應事業具有「自然獨佔」的性質；直到1877年1883年間，美國電話電報公司（American Telegraph and Telephone Co., AT & T）藉由電話專利權訴訟，經過10年的收購合併，成為美國電信事業的巨人。在管理架構方面，1934年通信法規定以國會所屬的聯邦通信委員會為主要管理機構。此外，由於美國自然地理幅員的廣大和地方分權制度的關係，各州的電信管理權則操諸州公用事業委員會手中。

其相關法案如下：

- 1934 Communications Act
- 1952 Communications Amendments Act
- 1960 Communications Amendments Act
- 1962 Communications Satellite Act
- 1978 Communications Amendments Act
- 1982 Communications Amendments Act
- 1982 Record Carrier Competition Act
- 1988 Telecommunications Accessibility Enhancement Act
- 1988 Telecommunications Trade Act

1982年通信法修正案(Communications Amendments Act of 1982)條文要旨

TITLE I — COMMUNICATIONS AMENDMENTS

Section

- 101 Short title
- 102 Financial interests of members and employees of federal communications commission
- 103 Appointment, terms of office, salary, and compensation of members of commission
- 104 Use of amateur volunteers for certain purposes
- 105 Organization and functioning of commission
- 106 Regulation of pole attachments
- 107 Jurisdiction of commission
- 108 Interference with electronic equipment

- 109 Qualifications of station operators
- 110 Grounds for suspension of licenses
- 111 Licensing of certain aircraft radio stations and operators
- 112 Revision of license terms
- 113 Authority to operate certain radio stations without individual licenses
- 114 Authorization of temporary operations
- 115 Random selection system for certain licenses and permits
- 116 Agreements relating to withdrawal of certain applications
- 117 Willful of repeated violations
- 118 Applicability of construction permit requirements to certain stations
- 119 Authority to eliminate certain construction permits
- 120 Private land mobile services
- 121 Notices of appeal
- 122 Computation of certain filing deadlines
- 123 Effective date of certain commission orders
- 124 Application of forfeiture requirements to cable television system operators
- 125 Forfeiture communications devices
- 126 Exemption applicable to amateur radio communications
- 127 Technical amendments
- 128 Amendment to other law

TITLE II — NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Section

- 201 Authorization of appropriations
- 202 Study of telecommunications and information goals

參考書目

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