



INTERNATIONAL TELECOMMUNICATION UNION

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**CHARGING AND ACCOUNTING IN INTERNATIONAL
TELECOMMUNICATION SERVICES**

**PARTIAL AND TOTAL REFUND OF
CHARGES IN THE INTERNATIONAL TELEX
SERVICE**

ITU-T Recommendation D.43

(Extract from the *Blue Book*)

NOTES

1 ITU-T Recommendation D.43 was published in Fascicle II.1 of the *Blue Book*. This file is an extract from the *Blue Book*. While the presentation and layout of the text might be slightly different from the *Blue Book* version, the contents of the file are identical to the *Blue Book* version and copyright conditions remain unchanged (see below).

2 In this Recommendation, the expression “Administration” is used for conciseness to indicate both a telecommunication administration and a recognized operating agency.

Recommendation D.43

PARTIAL AND TOTAL REFUND OF CHARGES IN THE INTERNATIONAL TELEX SERVICE

(Melbourne, 1988)

1 General provisions

1.1 Conditions and procedure for refunds

1.1.1 On request or following a claim regarding the performance of the service, a refund shall be made to the person who made the payment, subject to the conditions specified in § 2 below.

1.1.2 All claims for a refund of charges must be presented within four months from the date on which the telegram was handed in.

1.1.3 In general, every claim should be presented to the origin Administration and, whenever possible, should be accompanied by written evidence.

1.1.4 The claim may, however, be made by the addressee to the destination Administration, which shall decide whether it can take the necessary action or whether it should forward the claim to the origin Administration.

1.1.5 When a claim is recognized as well-founded by the Administrations concerned, subject to the conditions specified in §§ 3.1.1 and 3.1.2, the prescribed refund shall be made by the origin Administration.

1.1.6 A sender who does not reside in the country in which he tendered his telegram may make his claim to the origin Administration through another Administration. In this case the Administration that received the claim shall, if necessary, be deputed to effect the refund.

1.1.7 Failure to communicate a service advice of non-delivery to the sender or delay in doing so (see Recommendation F.1, A196) shall not give a right to the refund of the charge paid for the telegram.

1.2 Procedures between Administrations

1.2.1 The Administration receiving a claim for a refund of charges shall initiate an investigation and if necessary shall send an inquiry to the destination Administration.

1.2.2 On receipt of an enquiry as in § 1.2.1 above concerning a claim for a refund of charges, the appropriate office of the Administration concerned shall normally endeavour to complete the investigation in one month from the date of receiving the inquiry. In any case the Administration concerned shall reply to the originating Administration within one month.

1.2.3 If an investigation into a claim for refund of charges cannot be completed within one month in accordance with § 1.2.2, the Administration that originally received the claim shall advise the sender accordingly.

1.2.4 If no final reply is received from the destination Administration within 60 days from the date of the initial inquiry, then the investigation shall be considered closed and refund of charges shall be undertaken in accordance with § 3 below.

1.2.5 In principle, claims are forwarded to the central Administration indicated in the ITU *List of Addresses* [1]. However, any Administration may ask through a notification addressed to the ITU General Secretariat that complaints concerning its service should be forwarded to a specially appointed office. In such cases, the postal address of this office (including any telegraphic address and telex number and answer-back code) shall also be included in the ITU *List of Addresses* [1].

2 Cases of refund of charges

2.1 *Telegrams not delivered to their destination or delivered too late*

2.1.1 The total charge for a telegram that has not been delivered or has been delivered to the addresses too late shall be refunded subject to the conditions indicated in §§ 2.1.2 to 2.1.6.5. The refund shall not be made if non-delivery or delay is the result of an insufficient address or indistinct writing by the sender.

2.1.2 Provision § 2.1.1 applies for any telegram that, through the fault of the telegram service, has not reached the destination or has not been delivered to the addresses or to a postal service within a period of:

2.1.2.1 6 hours in the case of a telegram exchanged between two countries within the same continental system that are connected by a direct telegraph circuit;

2.1.2.2 12 hours in the case of a telegram exchanged between two countries within the same continental system but that are not connected by a direct telegraph circuit;

2.1.2.3 12 hours in the case of a telegram exchanged between two countries that are not within the same continental system but that are connected by a direct telegraph circuit;

2.1.2.4 24 hours in all other cases.

2.1.3 The periods of 12 and 24 hours mentioned above shall be reduced by half for **SVH** telegrams, telegrams relative to the application of the United Nations Charter, government telegrams with priority, meteorological telegrams, and also for ordinary private telegrams, and **RCT** telegrams when urgent transmission and delivery has been requested, and for service advices.

2.1.4 In the context of §§ 2.1.2.1 to 2.1.2.4, continents are regarded as Africa, Asia, Australia (including Oceania), Europe, North America and South America. Normally a continental system shall comprise all the countries of the respective continent and exceptionally those countries outside that continent that are declared by the respective Administrations to belong to that continental system.

2.1.5 Except for letter telegrams, the time periods indicated in §§ 2.1.2 (in its entirety) and 2.1.3 above shall be reckoned from the time of acceptance of the telegram.

2.1.6 The following shall not be included in the time periods indicated above:

2.1.6.1 The period during which offices are closed in respect of any relation when that is the cause of delay;

2.1.6.2 the night period;

2.1.6.3 the time occupied in postal conveyance;

2.1.6.4 the time occupied in express conveyance;

2.1.6.5 the period of retention of radiotelegrams at the land station, or on board a mobile station, as well as the time taken for the transmission over the radio circuits.

2.1.7 If the telegram has been the subject of a service advice of non-delivery because the address has been inadequate or has not been registered and if, later, the address has been corrected or supplemented by a service advice at the sender's request, the time periods for delivery shall be calculated as from the moment when this service advice was issued.

2.2 *Telegrams that have been stopped or cancelled*

2.2.1 The total charge shall be refunded for any telegram that has been stopped in the course of transmission as the result of the interruption of a route, subject to the office of origin's having been advised of the stoppage of the telegram concerned.

2.2.2 The total charge shall be refunded for any telegram stopped through the application of the provisions of Articles 19 and 20 of the Convention [2].

2.2.3 For a telegram cancelled at the request of the sender before its transmission has begun, the charge shall be refunded.

2.3 *Alterations or omissions*

2.3.1 The total charge for the telegram shall be refunded when the name of the office of origin or the date of acceptance have been changed or altered in course of transmission with the result that the telegram has not fulfilled its purpose.

2.3.2 The charge for a word or words omitted in transmission shall be refunded, unless the total charge is refunded by application of § 2.3.3, or the error has been remedied by means of a service advice.

2.3.3 Unless the error has been remedied by means of a service advice, the total charge for a telegram shall be refunded when errors have been made in transmission or by omission of words and the origin Administration is satisfied that, in consequence, the meaning of a plain language telegram has been altered or rendered unintelligible.

2.4 *Special services*

2.4.1 The charges for special services not performed because of an error of service and also the charge for the relevant service indications shall be refunded.

2.5 *Miscellaneous provisions*

2.5.1 In the case provided for in §§ 2.1.1 to 2.1.7, 2.2.1 and 2.3.1 to 2.3.3, the refund shall apply only to the actual telegrams that have failed to be delivered or that have been cancelled, delayed or altered, including unused accessory charges, but not to telegrams that may have been caused, or rendered useless, by the non-delivery, delay or alteration.

2.5.2 When a land station advises the office of origin that a radiotelegram cannot be transmitted to the destination mobile station, the origin Administration refunds the sender the charges for any special services not performed.

2.5.3 When errors due to the telegram service have been corrected by service advice within the time periods resulting from the application §§ 2.1.2 to 2.1.6.5, no refund shall be due for the original telegram.

2.5.4 When errors due to the telegram service have not been corrected by service advices but by telegrams exchanged directly between the sender and the addressee, no refund shall be granted for such telegrams.

2.5.5 Amounts overcharged in error shall be refunded to the sender in accordance with the international regulations of each country.

3 Refund of charges in different cases

3.1 *Refund of charges in cases specified in §§ 2.1.1 to 2.5.5*

3.1.1 Whenever refund of charges arises from an error of service, it shall be borne by the origin Administration if the amount to be refunded based on the overall accounting rate for the whole or part of the telegram concerned does not exceed sixteen special drawing rights (16 SDRs) or fifty gold francs (G.fr. 50.00) (see § 3.1.3).

3.1.2 In cases where the amount to be refunded as specified in § 3.1.1 exceeds sixteen special drawing rights (16 SDRs) or fifty gold francs, (G.fr. 50.00) such refund shall be borne by the Administrations that have participated in the handling of the telegram, each of them foregoing the share of the overall accounting rate that has accrued to it.

3.1.3 In reckoning the limit sixteen special drawing rights (16.00 SDRs) or fifty gold francs (50.00 G.fr.) only the overall accounting rate per chargeable word of the original telegram shall be considered, excluding the charges for special services.

3.1.4 The origin Administration shall refund the charge without preliminary inquiry if:

3.1.4.1 in case of non-delivery, the sender produces a statement by the office of destination certifying that the telegram was not received;

3.1.4.2 in case of delay or alteration, the sender proves the delay or alteration by producing the copy of the telegram delivered to the addressee or a certified copy or facsimile of the telegram;

3.1.5 The decision of the Administration that makes the refund shall be without appeal when the refund has been in conformity with this Recommendation.

3.1.6 When a refund has to be shared by the various Administrations concerned in the transmission, the origin Administration shall circulate the claim to the Administrations in question with a view to the application of § 3.1.2. The origin Administration shall also have the right to circulate any complaint, when, in the interest of the service, it considers an inquiry to be necessary.

3.1.7 In cases provided for in § 3.1.2, refund of the charges applicable to a special service not performed shall be borne by the Administration to which the charge has accrued.

3.1.8 In the cases contemplated in § 3.1.2, when a claim has been made and circulated within the period fixed in § 1.1.2 and the result has not been notified within the period fixed for the preservation of records, the Administration that received the claim shall refund the charge claimed and the refund shall be shared by the various Administrations that participated in the forwarding of the telegram.

3.1.9 Refund of charges for service advices shall be borne by the Administration that collected the charges.

3.2 *Special provisions regarding refund of charges in the case of stoppage of telegrams*

3.2.1 The refund of the charge for a telegram stopped by virtue of Articles 19 and 20 of the Convention [2] shall be borne by the Administration responsible to the Member that stopped the telegram. The limit fixed in § 3.1.1 does not apply.

3.2.2 When, however, that Member has notified in accordance with Article 20 of the Convention [2], the suspension of certain kinds of traffic, refund of charges of telegrams of this kind shall be borne by the origin Administration from the day following that on which the notification reached it.

References

- [1] *List of addresses of Administrations, recognized private operating agencies, international or regional organizations concerned with telecommunications, and scientific or industrial organizations participating in CCI activities*, ITU, Geneva.
- [2] *International Telecommunication Convention*, Nairobi, 1982.