

THE STATUTES OF THE REPUBLIC OF SINGAPORE

SINGAPORE BROADCASTING CORPORATION ACT

(CHAPTER 297)

Act
33 of 1979

Amended by
32 of 1986

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Singapore Broadcasting Corporation Act

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An Act to establish a corporation to be known as the Singapore Broadcasting Corporation and to provide for the transfer to the Corporation of the functions, services, staff, assets and liabilities of the Government in respect of, or appertaining to, television and sound broadcasting, and for matters connected therewith.

[1st February 1980]

PART I

PRELIMINARY

1. This Act may be cited as the Singapore Broadcasting Corporation Act. Short title.
2. In this Act, unless the context otherwise requires — Interpre-
tation.
 - “broadcasting apparatus” means any apparatus capable of or designed or constructed for the transmission or reception of broadcast matter by radio waves, wire or cable;
 - “broadcast matter” means any signs or signals transmitted by a broadcasting station, whether for aural or visual reception or both, and includes any music, theatrical or other entertainment, concert, lecture, speech, address, parade, sports event, rally, advertisement, news and information of any kind so transmitted;
 - “broadcasting service” means a service whereby sounds or visual images are transmitted by the person operating the service to listeners or viewers of the service by means of radio waves, wire or cable;

“broadcasting station” means a station which transmits broadcast matter by radio waves, wire or cable for reception by the general public and includes the studio, transmitting station and technical equipment used for transmitting broadcast matter;

“Chairman” means the Chairman of the Corporation appointed under section 4 (1) and includes any person appointed to act as Chairman;

Cap. 50.

“company auditor” means a person approved as a company auditor for the purposes of the Companies Act;

“Corporation” means the Singapore Broadcasting Corporation established under section 3;

“Deputy Chairman” means the Deputy Chairman of the Corporation appointed under section 4 (1), and includes any person appointed to act as Deputy Chairman;

“General Manager” means the General Manager of Broadcasting appointed under section 9 (1), and includes any person acting in that capacity;

“member of the Corporation” includes the Chairman and the Deputy Chairman of the Corporation;

“radio waves” means electromagnetic waves of frequencies lower than 3,000 gigacycles per second propagated in space without artificial guide;

“wire or cable” means any wire or cable used for the purpose of transmitting or receiving broadcast matter with any casing, coating, tube or pipe enclosing the same, and any appliances and apparatus connected therewith for the purpose of fixing or insulating the same.

PART II

ESTABLISHMENT AND CONSTITUTION OF CORPORATION

Establishment of Singapore Broadcasting Corporation.

3. There is hereby established in accordance with the provisions of this Act a body to be called the Singapore Broadcasting Corporation which shall be a body corporate with perpetual succession and with power —

(a) to sue and be sued in its corporate name;

- (b) to acquire and dispose of property, both movable and immovable;
- (c) to perform such other acts as bodies corporate may by law perform; and
- (d) to exercise such other powers as are conferred under or by virtue of this Act.

4.—(1) The Corporation shall consist of a Chairman, a Deputy Chairman and such other members, not being less than 3 and not more than 7, as the Minister may from time to time determine. Constitution of Corporation.

(2) The provisions of the Schedule, which relate to the appointment and remuneration of the Chairman, the Deputy Chairman and other members of the Corporation and to the procedure of and other similar matters concerning the Corporation, shall have effect with respect to the Corporation.

PART III

FUNCTIONS, DUTIES AND POWERS OF CORPORATION

- 5.—(1) The functions of the Corporation shall be — Functions and duties of Corporation.
- (a) to provide television and sound broadcasting services for disseminating information, education and entertainment;
 - (b) to exercise licensing and regulatory functions in respect of the sale and use of television receivers and broadcasting receiving apparatus; and
 - (c) to act internationally as the national authority or representative of Singapore in respect of matters relating to broadcasting.
- (2) It shall be the duty of the Corporation —
- (a) to provide adequate and comprehensive programmes with a view to serving the best interests of the general public;
 - (b) to ensure that the programmes broadcast by the Corporation maintain a high general standard in all respects, and in particular in respect of their content and quality and a proper balance and a wide range in their subject-matter, having

regard both to the programmes as a whole and also to the days of the week on which, and the times of the day at which, such programmes are broadcast;

- (c) to ensure that nothing is included in the programmes broadcast by the Corporation which —
 - (i) offends against good taste or decency;
 - (ii) offends any racial group or may promote ill-will between different races or different public groups;
 - (iii) offends the followers of any religious faith or order; or
 - (iv) may outrage public feeling in general; and
- (d) to ensure that a sufficient amount of time is given to news, news features and current affairs, and that all news, in whatever form, is presented impartially and with accuracy, and with due regard to the public interest.

Powers of
Corporation.

6.—(1) The Corporation shall, subject to the provisions of this Act, have power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its functions under this Act, and, in particular, the Corporation shall, for the purpose of discharging those functions, have power —

- (a) to establish, install and use stations for television and sound broadcasting;
- (b) to provide and equip studios and other premises for television and sound broadcasting purposes;
- (c) to determine the hours during which television and sound broadcasting programmes may be transmitted;
- (d) to accept advertising materials and programmes for television and sound broadcasting upon payment of such charges as may be determined by the Corporation from time to time and to determine the conditions subject to which advertisements may be accepted for transmissions;
- (e) to conduct researches and investigations necessary for the improvement and development of broadcasting and the reception thereof;

- (f) to provide training schemes, whether by itself or with the co-operation of other persons or bodies, as the Corporation thinks fit, for the employees of the Corporation and others concerned with television or sound broadcasting and cognate or ancillary services;
- (g) to conduct examinations as to the competency of persons to operate the technical television and sound broadcasting equipment and to charge fees in respect of those examinations;
- (h) with the approval of the Minister, to enter into joint ventures or partnerships with other broadcasting authorities or international agencies or private organisations for the purpose of promoting broadcasting services;
- (i) to produce, manufacture, sell, rent or dispose of films and records (including tapes and any other devices from which visual images or sounds may be reproduced) and material apparatus for use in connection with those films and records;
- (j) to utilise all the property of the Corporation, movable and immovable, in such manner as the Corporation may think expedient including the raising of loans by mortgaging the property;
- (k) to acquire or dispose of, in accordance with the provisions of this Act, any property (movable or immovable) which the Corporation thinks necessary or expedient for the purpose of constructing, extending or maintaining any television and sound broadcasting stations and plant or otherwise carrying out its functions under this Act;
- (l) to purchase, construct, reconstruct, install and maintain television and sound broadcasting stations and plant, and all buildings and works used in connection therewith;
- (m) to sell, hire, let or otherwise supply television and sound equipment and install, repair, maintain or remove any such equipment;
- (n) to receive donations and contributions from any source and raise funds by all lawful means;

- (o) to grant loans to employees of the Corporation for any purpose specifically approved by the Corporation; and
- (p) to provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of employees of the Corporation.

(2) Without prejudice to the generality of subsection (1), the powers of the Corporation shall extend to the carrying on of such businesses and the doing of such things as may arise out of the other activities of the Corporation or as may be necessary or expedient for the purpose of turning to account any property or rights of the Corporation.

External
radio
service.

7. The Corporation shall, if the Minister so directs, provide an external radio service.

Directions
by Minister.

8.—(1) The Minister may —

- (a) after consultation with the Corporation or otherwise, give such directions, not inconsistent with the provisions of this Act —
 - (i) as to the policy to be followed by the Corporation in the performance of its functions and powers under this Act; or
 - (ii) as to any matter or thing concerning the operation or administration of the Corporation,
 as appear to the Minister to be necessary, expedient or prudent; and
- (b) give specific directions to the Corporation in the interests of public safety, public order, national security or national defence,

and any such direction shall be binding upon the Corporation which shall be bound to give immediate effect to it.

(2) In the event of the Corporation failing to give immediate effect to any such direction or specific direction, as the case may be, the Minister, if he is of the opinion that an emergency has arisen in which it is expedient in the public interest that all or any of the functions and powers of the Corporation under sections 5 and 6 should be

suspended, may, by order, suspend the Corporation from performing all or any of its functions and powers.

(3) The Minister may modify or revoke such order at such time as, in his opinion, he considers it expedient to do so.

(4) It shall be lawful for the Minister, if he considers that it is expedient to do so in the public interest, to take over and exercise all or any of the functions and powers of the Corporation for any period and at any time until such order of suspension is revoked.

(5) The Corporation shall give the Minister such information or facilities for obtaining information with regard to the exercise of its functions in such manner and at such times as the Minister may reasonably require.

PART IV

PROVISIONS RELATING TO THE STAFF OF CORPORATION

9.—(1) The Corporation shall, with the approval of the Minister, appoint a General Manager of Broadcasting on such terms and conditions as the Corporation may determine.

General
Manager of
Broad-
casting.

(2) The General Manager shall —

(a) be the chief executive officer of the Corporation;

(b) be responsible to the Corporation for the proper administration and management of the Corporation in accordance with the policy laid down by the members thereof; and

(c) not be removed from office without the consent of the Minister.

(3) If the General Manager is temporarily absent from Singapore, or temporarily incapacitated by reason of illness, or for other cause temporarily unable to perform his duties, any person may be appointed by the Corporation to act in the place of the General Manager during any such period of absence from duty.

List of posts
and appoint-
ment of
employees,
etc.

10.—(1) The Corporation shall, from time to time, approve a list of posts which it thinks necessary for the purposes of this Act and may, from time to time, vary that list in any manner it thinks fit.

(2) The first such list of posts shall contain posts for all the persons transferred to the service of the Corporation under section 28.

(3) No person shall be employed by the Corporation unless he holds a post appearing in the list of posts for the time being in force; but the Corporation shall not be precluded from appointing persons temporarily, for such period or periods as it thinks fit, to posts in the list of posts for the time being in force.

(4) Subject to the provisions of this Act —

(a) appointments and promotions to all posts shall be made by the Corporation; and

(b) the termination of service, dismissal and disciplinary control of the employees of the Corporation shall be vested in the Corporation.

(5) The Corporation may make rules, not inconsistent with the provisions of this Act or of any other written law, for the appointment, promotion, disciplinary control and terms and conditions of service of all persons employed by the Corporation and such other matters affecting its employees as it thinks fit.

(6) Without prejudice to the generality of subsection (5), the Corporation may, from time to time, and in conformity with subsection (1), appoint such number of employees as it thinks fit.

(7) The Corporation shall prescribe the rates of remuneration payable to the various classes of persons employed by it, and no person so employed shall be paid otherwise than in accordance with such rates.

(8) Until such time as schemes and terms and conditions of service are drawn up by the Corporation, the regulations relating to salaries and terms and conditions of service in the Government shall continue to apply to every person transferred to the service of the Corporation under section 28.

11.—(1) The Corporation may, with the approval of the Minister, make regulations for the establishment of a scheme or schemes for the payment of pensions, gratuities, provident fund or other superannuation benefits to such employees or classes of employees of the Corporation as it may determine, or to their legal personal representatives or dependants, on the death or retirement of those employees from the service of the Corporation, or on their otherwise leaving the service of the Corporation.

Pension
schemes,
provident
fund, etc.

(2) The following provisions shall apply to any scheme established under subsection (1):

- (a) no assurance on the life of a contributor under the scheme, and no moneys or other benefits payable under any such assurance, and no payment made under the scheme to a person who had been employed by the Corporation shall be assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim, other than a debt due to the Corporation or to the Government;
- (b) no donation by the Corporation or contribution by its employees made under the scheme and no interest thereon shall be assignable or transferable or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim, other than a debt due to the Corporation or to the Government;
- (c) no such donation, contribution or interest shall be subject to the debts of the contributor, nor shall such donation, contribution or interest pass to the Official Assignee on the bankruptcy of the contributor, but, if such a contributor is adjudicated a bankrupt or is declared insolvent by a court, such donation, contribution or interest shall, subject to the provisions of this Act, be deemed to be subject to a trust in favour of the persons entitled thereto on the death of the contributor;
- (d) the bankruptcy of a contributor shall not affect the making of deductions from the salary of the contributor in accordance with the scheme,

but the deductions shall continue to be made notwithstanding the provisions of any written law, and the portion of salary so deducted shall not be deemed to form part of his after-acquired property;

(e) subject to the provisions of the scheme, all moneys paid or payable under the scheme on the death of a contributor shall be subject to a trust in favour of the persons entitled thereto under a nomination in such form as may be prescribed in the scheme, or in the absence of any such nomination the persons entitled thereto under the will or intestacy of the deceased contributor and shall not form part of his estate or be subject to the payment of his debts but shall be deemed to be property passing on his death for the purpose of the Estate Duty Act;

Cap. 96.

(f) a contributor may, by a memorandum under his hand appoint a trustee or trustees of the moneys payable on his death out of the scheme and may make provision for the appointment of a new trustee or new trustees of the moneys and for the investment thereof; the memorandum shall be in the form prescribed in the scheme and shall be deposited with the Corporation;

(g) if, at the time of death of a contributor or at any time afterwards, there is no trustee of the moneys or it is expedient to appoint a new trustee or new trustees, then and in any such case a trustee or trustees or a new trustee or new trustees may be appointed by the High Court; and

(h) the receipt of a person duly nominated by a deceased contributor or a trustee or trustees duly appointed, or in default of the nomination or appointment and of written notice thereof to the Corporation, the receipt of the legal personal representative of a deceased contributor shall be a discharge to the Corporation for any moneys payable on his death out of the scheme.

(3) Where any person in the service of the Corporation, who does not come within the scope and effect of any pension or other schemes established under this section, retires or dies in the service of the Corporation or is discharged from the service, the Corporation may grant to him or to such other person or persons wholly or partly dependent on him, as the Corporation may think fit, such allowance or gratuity as the Corporation may determine.

12. No salary, fee, wage or other remuneration or allowance paid by the Corporation to any member, employee or agent shall be computed by reference to the profits of the Corporation.

Remuneration not to be related to profits.

13. No matter or thing done and no contract of any kind entered into by the Corporation and no matter or thing done by any member of the Corporation or by any employee thereof or any other person whomsoever acting under the direction of the Corporation shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of carrying out the provisions of this Act, subject any such member or employee or any other person acting under the direction of the Corporation personally to any action, liability, claim or demand whatsoever in respect thereof.

Personal immunity of members and employees of Corporation.

14. The members and employees of the Corporation of every description shall be deemed to be public servants within the meaning of the Penal Code.

Members and employees of Corporation deemed to be public servants. Cap. 224.

PART V

FINANCIAL PROVISIONS

15. The financial year of the Corporation shall begin on 1st April of each year and end on 31st March of the succeeding year.

Corporation's financial year.

Expenses. **16.** Except as otherwise provided, all expenses incurred in carrying out the purposes of this Act shall be met from the funds of the Corporation.

Estimates. **17.—(1)** The Corporation shall in every year cause to be prepared and adopt annual estimates of income and expenditure of the Corporation for the ensuing year.

(2) Supplementary estimates of expenditure may be adopted by the Corporation.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Corporation, be sent forthwith to the Minister who may approve or disallow any item or portion of any item shown in the estimates, and shall return the estimates as amended by him to the Corporation, and the Corporation shall be bound thereby.

Grants. **18.—(1)** For the purpose of enabling the Corporation to carry out its functions under this Act, the Minister may, from time to time, make grants in aid to the Corporation of such sums of money as the Minister may determine out of moneys to be provided by Parliament.

(2) Without prejudice to the generality of subsection (1) —

(a) all costs of works involving capital expenditure including the costs of building and equipment;

(b) all expenditure incurred in operating an external service and other services performed at the request of any department of the Government; and

(c) such other costs and expenditure as the Minister considers necessary to improve the services rendered by the Corporation or advance the development of the Corporation,

shall be defrayed out of moneys provided by Parliament.

Loans. **19.** The Corporation may, from time to time, for the purposes of this Act, raise loans from the Government or, with the consent of the Minister, from any other source.

20.—(1) The Corporation shall open and maintain such account or accounts with a bank or banks approved by the Minister as it considers necessary for the exercise of its functions and powers under this Act. Every such account shall be operated upon by cheque signed by such person or persons as may, from time to time, be authorised in that behalf by the Corporation.

Bank
accounts
and
application
of moneys.

(2) The moneys of the Corporation shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Corporation arising under this Act or incurred in carrying out the purposes of this Act.

(3) Moneys belonging to the Corporation may, from time to time, be invested in securities in which trust funds may, by any written law for the time being in force relating to trustees, be invested.

(4) There shall from time to time be paid into the Corporation's bank account —

- (a) all licence fees collected by the Corporation under this Act; and
- (b) all moneys derived from the operations of the Corporation.

21.—(1) The Corporation shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Corporation and over the expenditure incurred by the Corporation.

Accounts
and
financial
statements.

(2) The Corporation shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of that year to the auditor of the Corporation.

22.—(1) The accounts of the Corporation shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

Audit of
accounts.

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act.

Cap. 50.

(3) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating directly or indirectly to the financial transactions of the Corporation.

(4) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Corporation;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Corporation whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure, and investment of moneys and the acquisition and disposal of assets by the Corporation during the financial year were in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers necessary.

(5) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Corporation. He shall also submit such periodical and special reports to the Minister and to the Corporation as may appear to him to be necessary or as the Minister or the Corporation may require.

Failure to
furnish
information
to auditor.

23.—(1) The auditor may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

(2) Any person who fails without reasonable excuse to comply with any requirement of the auditor under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Presentation
of financial
statements
and
auditor's
report to
Parliament.

24.—(1) The Corporation shall, as soon as the accounts of the Corporation and the financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) Where the Auditor-General is not the auditor of the Corporation, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General when they are submitted to the Corporation.

(3) The Minister shall as soon as practicable cause a copy of the audited financial statements and of the auditor's report referred to in subsection (1) to be presented to Parliament.

25.—(1) The Corporation shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Corporation during the preceding financial year and containing such information relating to the proceedings and policy of the Corporation as the Minister may, from time to time, direct. Annual report.

(2) The Minister shall as soon as practicable cause a copy of every such report to be presented to Parliament.

PART VI

TRANSFER TO CORPORATION OF TELEVISION AND SOUND BROADCASTING UNDERTAKINGS OF GOVERNMENT

26. In this Part, “television and sound broadcasting undertakings of the Government” means — Television and sound broadcasting undertakings of Government.

- (a) all the lands, buildings and other property, movable or immovable, vested in and held by the Government immediately before the commencement of this Act for the purposes of television and sound broadcasting; and
- (b) all assets, powers, rights, interests and privileges as well as all debts, liabilities and obligations of the Government in connection therewith or appertaining thereto.

Transfer to
Corporation
of television
and sound
broadcasting
undertakings
of
Government.

27.—(1) Upon the date of commencement of this Act, the television and sound broadcasting undertakings of the Government shall be transferred to and shall vest in the Corporation without further assurance.

(2) All rights, interests, privileges, obligations and liabilities which immediately before that date were held, enjoyed or incurred with or appertaining to the television and sound broadcasting undertakings of the Government transferred to the Corporation under subsection (1) shall be deemed to be the rights, interests, privileges, obligations and liabilities of the Corporation.

(3) If any question arises as to whether any particular movable or immovable property, or whether any particular asset, power, right, interest, privilege, debt, liability or obligation has been transferred to or vested in the Corporation under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence of such transfer or vesting.

Transfer of
Government
employees.

28.—(1) Upon the date of commencement of this Act, such persons as were employed by the Government immediately before that date shall for the purpose of carrying out —

(a) the functions and services performed by the Broadcasting Division of the Ministry of Culture; and

(b) the functions of the Radio and Television Licensing Division of the Inland Revenue Department,

be transferred to the service of the Corporation on terms not less favourable than those they enjoyed immediately prior to their transfer, and those terms (which shall be determined by the Corporation) shall take into account the salaries and conditions of service, including any accrued rights to leave enjoyed by them while in the employment of the Government.

(2) Until such time as terms and conditions of service are drawn up by the Corporation, every person who has been

transferred to the service of the Corporation under subsection (1) shall serve the Corporation under the terms and conditions of service which were applicable to him immediately prior to that date.

(3) Notwithstanding subsection (1), such categories of persons who are transferred to the service of the Corporation, as the Minister may determine, shall as soon as practicable be given the option of remaining in the service of the Government.

29.—(1) The Corporation in making regulations under section 11 (1) relating to any pension, provident fund or other superannuation benefits which affect any person transferred to the service of the Corporation under section 28, shall, in those regulations, provide for the payment to those persons or their dependents of benefits not less in value than the amount of pension, provident fund, gratuity or allowance for which those persons would have been eligible under the Pensions Act had they continued in the service of the Government; and any such regulations relating to the length of service with the Corporation shall provide for the recognition of service under the Government by persons so transferred to be service by them under the Corporation.

Pension rights, etc., of Government employees transferred to Corporation to be preserved.

Cap. 225.

(2) Nothing in the regulations to be made under section 11 (1) shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Corporation from their service with the Government as regards any pension, gratuity or allowance payable under the Pensions Act.

(3) Where any person who is transferred to the service of the Corporation under section 28 is a contributor under the Widows' and Orphans' Pensions Act, he shall, for the purposes of that Act, continue to make contributions under that Act as if he had not been transferred to the service of the Corporation and, for the purposes of that Act, his service with the Corporation shall be deemed to be service with the Government, and the Corporation shall have the right to make deductions from the salary of that person to be paid as contributions under that Act.

Cap. 350.

(4) In every case where a person has been transferred to the service of the Corporation under section 28, the Government shall be liable to pay to the Corporation such

portion of any gratuity, pension or allowance payable to that person on his retirement or otherwise leaving the service of the Corporation as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Corporation.

No benefits
for abolition
or re-
organisation
of office.
Cap. 225.

30. Notwithstanding the provisions of the Pensions Act, no person who is transferred to the service of the Corporation under section 28 shall be entitled to claim any benefit under the Pensions Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Corporation under this Act.

Existing
contracts.

31. All deeds, bonds, contracts, agreements, instruments and working arrangements subsisting immediately before the commencement of this Act affecting any of the television and sound broadcasting undertakings of the Government transferred to the Corporation under section 27 (1) or any employee of the Government transferred to the service of the Corporation under section 28 shall be of full force and effect against, or in favour of, the Corporation and enforceable as fully and effectually as if, instead of the Government or any person acting on behalf of the Government, the Corporation had been named therein or had been a party thereto.

Pending
proceedings.

32. Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Government, or any person acting on behalf of the Government, in respect of any of the television and sound broadcasting undertakings of the Government transferred to the Corporation under section 27 (1), may be continued and enforced by or against the Corporation as it might have been continued and enforced by or against the Government or that person if this Act had not been enacted.

33.—(1) Where, on the date of commencement of this Act, any disciplinary proceedings were pending against an employee of the Government transferred to the service of the Corporation the proceedings shall be taken up and continued by the Corporation; but where, on that date, any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under the authority of the Government but no order or decision had been rendered thereon, the committee shall complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that date.

Continuation and completion of disciplinary proceedings.

(2) An order, ruling or direction made or given by a committee pursuant to this section shall be entered as an order, ruling or direction of the Corporation and have the same force or effect as if it had been made or given by the Corporation pursuant to the authority vested therein under this Act.

34. Where an employee of the Government has been transferred to the service of the Corporation pursuant to section 28, the Corporation may reprimand, reduce in rank, retire, dismiss or punish in some other manner that person for any misconduct, omission or neglect of duty which took place or occurred whilst he was in the employment of the Government if the misconduct, omission or neglect of duty would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner by the Government, if this Act had not been enacted.

Misconduct or neglect of duty whilst in the employment of Government.

PART VII

LICENSING OF BROADCASTING APPARATUS, ETC.

35.—(1) No person shall —

- (a) install or work any broadcasting apparatus in any place in Singapore or on board any ship, aircraft or vehicle registered in Singapore; or
- (b) offer for sale, sell or have in his possession with a view to sale, any broadcasting apparatus,

Licensing of broadcasting apparatus, etc.

except under and in accordance with a licence issued under this Act.

(2) Every licence issued under subsection (1) shall be in such form and for such period and may contain such terms and conditions as the Corporation may determine.

(3) Subsection (1) shall not be construed as requiring any person who works a broadcasting apparatus —

(a) in the course of his duty as a member of the Singapore Armed Forces;

(b) in the course of his duty as a member of the Singapore Police Force or the Vigilante Corps; or

(c) for the purposes of any department of the Government or the Port of Singapore Authority,

to obtain a licence under this Act.

(4) The Corporation may, with the approval of the Minister, exempt any person from subsection (1).

Penalties.

36.—(1) Any person who installs or works any broadcasting apparatus without a licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months, and in either case shall be liable to forfeit any broadcasting apparatus installed or worked without a licence.

(2) Any person who is in possession of any broadcasting apparatus or the occupier of any dwelling-house or premises in which is installed broadcasting apparatus in respect of which a licence is not in force shall, until the contrary is proved, be deemed to have worked the same.

(3) It shall be a defence to a prosecution for an offence under subsection (2) that the occupier was not aware and could not with reasonable diligence have become aware of the existence in the dwelling-house or premises of the broadcasting apparatus in question.

PART VIII

MISCELLANEOUS

37. The Corporation and any employee thereof shall not be liable for any loss or damage sustained by any person as a result of any error, omission or inaccuracy in any broadcast matter transmitted by the Corporation, whether or not the error, omission or inaccuracy is caused by the fault of the Corporation or an employee thereof.

Corporation and employee not liable for loss or damage.

38.—(1) Notwithstanding anything in any other written law —

When copyright in musical work not infringed by Corporation.

(a) the copyright in a musical work or in any sound recording is not infringed by the Corporation when it causes the musical work or sound recording to be heard in public by means of a radio or television broadcast; and

(b) the copyright in a musical work is not infringed by the Corporation when it makes a sound recording of that musical work solely for the purpose of broadcasting that musical work by means of a radio or television broadcast.

(2) Where a radio or television broadcast is made by the Corporation and a person, by the reception of that broadcast, causes a musical work or sound recording to be heard in public, he does not thereby infringe the copyright in that musical work or sound recording.

39.—(1) In relation to accidents happening to workmen (within the meaning of the Workmen's Compensation Act) who attend courses or avail themselves of the facilities provided or approved by the Corporation, that Act shall have effect subject to subsection (2).

Accidents happening in connection with training provided or approved by Corporation. Cap. 354.

(2) For the purposes of the Workmen's Compensation Act, any act done by a workman for the purposes of, and in connection with, his training shall, if it is not done for the purposes of, and in connection with, his employer's trade or business, be deemed to be so done.

40. Any person who obstructs or hinders any officer or agent of the Corporation acting in the discharge of his duty under this Act or any regulations made thereunder shall be

Obstructing officers of Corporation.

guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Proceedings
conducted by
officers of
Corporation.

41. Proceedings in respect of any offence under this Act or any regulations made thereunder may be conducted by an officer of the Corporation or an officer of the Government authorised in writing in that behalf by the General Manager.

Sanction of
Public
Prosecutor.

42. No court shall take cognizance of any offence under this Act or any regulations made thereunder except with the sanction of the Public Prosecutor.

Offence by
body
corporate.

43. Where an offence under this Act or any regulations made thereunder is committed by a body corporate, and it is proved to have been committed with the consent or connivance of, or to be attributable to, any act or default on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Corpora-
tion's
symbol.

44.—(1) The Corporation shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the Corporation, or which so resembles the Corporation's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Returns and
information.

45. The Corporation or any person authorised in that behalf by the Corporation may by notice in writing require any person to furnish to the Corporation or the person so authorised, within such period as shall be specified in the notice, all such returns or information relating to all such matters as may be necessary for the Corporation under this Act and as are within the knowledge of that person.

Intrusion,
trespass or
obstruction.

46. Any person who —

- (a) enters any part of the Corporation's establishment including studios and transmitting installations without the permission of the officer in charge;
- (b) enters a fenced enclosure, building, room or vehicle belonging to the Corporation in

contravention of any regulations made under this Act or any notice not to do so;

(c) refuses to quit such enclosure, building, room or vehicle on being requested to do so by any officer of the Corporation; or

(d) wilfully obstructs or impedes any officer of the Corporation or employee in the performance of his duty,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

47.—(1) Every omission or neglect to comply with, and every act done or attempted to be done contrary to, this Act or any regulations made thereunder, or in breach of the conditions or restrictions subject to or upon which any licence has been issued shall be deemed to be an offence under this Act.

General penalties.

(2) Any person guilty of an offence under this Act or any regulations made thereunder for which no penalty is expressly provided shall, in addition to the forfeiture of any article seized, be liable on conviction to a fine not exceeding \$1,000.

47A.—(1) The Corporation may, in its discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$200.

Compounding of offences. 32/86.

(2) The Corporation may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded.

48. Nothing in this Act shall prevent any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Act or any regulations made thereunder, or from being liable under that other written law to any punishment or penalty, other than that provided by this Act or the regulations, except that no person shall be punished twice for the same offence.

Savings of prosecutions under other written laws.

49.—(1) The Corporation may, with the approval of the Minister, make regulations for or in respect of every purpose which is considered by the Corporation necessary or expedient for carrying out the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the Corporation may make regulations for all or any of the following purposes:

- (a) prescribing schemes for the award of scholarships and other financial assistance to employees attending courses of training;
- (b) providing for tests to be conducted in any trade, calling or vocation pertaining to the functions of the Corporation;
- (c) prescribing such fees or charges as the Corporation thinks fit for any service rendered by the Corporation or for any of the purposes of this Act or any regulations made thereunder;
- (d) prescribing the manner in which applications for licences under this Act are to be made;
- (e) prescribing the terms and conditions in which licences are granted and the duties of licensees;
- (f) prescribing the fees payable for the issue of any licence;
- (g) prescribing the late payment fee for the issue of a licence for working a broadcasting apparatus if an application for the licence is made after a period of 21 days following the date of expiry of the licence issued for the apparatus;
- (h) regulating the licensing of dealers in broadcasting apparatus;
- (i) regulating the sale or transfer of broadcasting apparatus;
- (j) prohibiting or regulating the working or using of any broadcasting apparatus on board any ship, whether or not such ship is registered in Singapore, while in the territorial waters of Singapore;
- (k) prohibiting or regulating the working or using of any broadcasting apparatus on board any aircraft, whether or not the aircraft is registered in Singapore, while in or over Singapore or the territorial waters thereof; and

- (l) prohibiting or regulating the working or using of any broadcasting apparatus in any vehicle in Singapore, whether or not the vehicle is registered in Singapore.

THE SCHEDULE

Section 4 (2).

PROVISIONS RELATING TO THE CORPORATION

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| 1. The President shall appoint the Chairman and the Deputy Chairman who shall hold office for such period not being more than 3 years as the President may determine, and shall be eligible for reappointment on the expiry of their terms of office. | Appointment of Chairman and Deputy Chairman and members. |
| 2. The Minister shall appoint the other members of the Corporation who shall hold office for such period, not being more than 3 years, as the Minister may determine, and shall be eligible for reappointment on the expiry of their terms of office. | Tenure of office. |
| 3. The Minister may appoint any member of the Corporation to act as the Chairman or the Deputy Chairman during the absence, or incapacity owing to illness or otherwise, of the Chairman or the Deputy Chairman, as the case may be, and while so acting that member may exercise all the functions, powers and duties of the Chairman or the Deputy Chairman, as the case may be. | Acting Chairman or Deputy Chairman. |
| 4. The Minister may appoint a person to be a member of the Corporation during the absence, or incapacity owing to illness or otherwise, of any member of the Corporation. | Alternate member. |
| 5. The President may, at any time, revoke the appointment of the Chairman or the Deputy Chairman and the Minister may revoke the appointment of a member of the Corporation; and in exercising his power under this paragraph, the President or the Minister, as the case may be, shall not be required to assign any reason for such revocation. | Revocation of appointment. |
| 6. A member of the Corporation may, at any time, resign from his appointment by giving notice in writing to the Minister. | Resignation. |
| 7. The Chairman, if he is not a Minister, and the Deputy Chairman and other members of the Corporation may be paid, out of the funds of the Corporation, such salaries, fees or allowances as the Minister may, from time to time, determine. | Salaries, fees and allowances payable to Corporation members. |
| 8. The office of the Chairman, the Deputy Chairman and a member of the Corporation shall be vacated if he —
(a) becomes of unsound mind;
(b) becomes a bankrupt or suspends payment to, or makes any arrangement or composition with, his creditors; | Vacation of office of Corporation member. |

- (c) has been absent, without the leave of the Corporation, from 3 consecutive meetings of the Corporation; or
- (d) is convicted of an offence involving dishonesty, fraud or moral turpitude.

Filling of vacancies in the office of Corporation member.

9. If a member of the Corporation resigns, dies or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, another person may be appointed by the Minister for the unexpired period of the term of office of the member of the Corporation in whose place he is appointed.

Meetings of Corporation.

10.—(1) The Chairman shall summon meetings as often as may be required, but not less frequently than once in 3 months.

(2) At every meeting of the Corporation, a quorum shall consist of 3 members of the Corporation.

(3) Decisions at meetings of the Corporation shall be adopted by a simple majority of the votes of the members present and voting except that in the case of an equality of votes, the Chairman, or in his absence the Deputy Chairman, shall have a casting vote.

(4) The Chairman, or in his absence the Deputy Chairman, shall preside at all meetings of the Corporation. In the absence of both the Chairman and the Deputy Chairman, such member as the members present may elect shall preside at the meeting.

(5) Subject to the provisions of this Act, the Corporation may make standing orders to regulate its own procedure; and such standing orders may provide for the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

Corporation member's interest in any contract to be made known.

11.—(1) The Chairman, the Deputy Chairman or a member of the Corporation who is directly or indirectly interested in a contract made, or proposed to be made, by the Corporation shall disclose the nature of his interest at the first meeting of the Corporation at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under sub-paragraph (1) shall be recorded in the minutes of the Corporation and, after the disclosure, that member of the Corporation —

(a) shall not take part in any deliberation or decision of the Corporation with respect to that contract; and

(b) shall be disregarded for the purpose of constituting a quorum of the Corporation for any such deliberation or decision.

(3) No act or proceeding of the Corporation shall be questioned on the ground that the Chairman, the Deputy Chairman or a member of the Corporation has contravened the provisions of this paragraph.

Validity of acts of Corporation members.

12. The acts of a member of the Corporation shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications.

13.—(1) The Corporation shall have a common seal, and the seal may, from time to time, be broken, changed, altered and made anew as the Corporation thinks fit.

Common seal and execution of documents.

(2) All deeds, documents and other instruments requiring the seal of the Corporation shall be sealed with the common seal of the Corporation, and every instrument to which the common seal is affixed shall be signed by a member of the Corporation and shall be countersigned by the General Manager or by some other person duly authorised by the Corporation for that purpose, and such signing shall be sufficient evidence that that seal was duly and properly affixed and that the seal is the lawful seal of the Corporation.

(3) The Corporation may, by resolution or otherwise, appoint any officer of the Corporation or an agent, either generally or in any particular case, to execute or sign on behalf of the Corporation, any agreement or other instrument not under seal in relation to any matter coming within the powers of the Corporation.

(4) Section 12 of the Registration of Deeds Act shall not apply to any instrument purporting to have been executed under sub-paragraph (2).

Cap. 269.

14.—(1) The Corporation may, in its discretion, appoint from among its own members or other persons who are not members of the Corporation, that number of committees consisting of members or other persons, or members and other persons, for purposes which, in the opinion of the Corporation, would be better regulated and managed by means of those committees.

Appointment of committees and delegation of powers.

(2) The Corporation may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or to the Chairman or the General Manager all or any of the functions or powers by this Act vested in the Corporation, except the power to borrow money or to make regulations; and any function or power so delegated may be exercised or performed by that committee or the Chairman or the General Manager, as the case may be, in the name and on behalf of the Corporation.

(3) The Corporation may, subject to such conditions or restrictions as it thinks fit, delegate to any employee thereof all or any of the Corporation's functions or powers by this Act vested in the Corporation, except the power to borrow money or to raise or grant loans or advances to or subscribe to or underwrite the issue of stocks, shares, bonds or debentures of industrial enterprises or the power to make regulations; and any function or power so delegated may be exercised or performed by that employee in the name and on behalf of the Corporation.

(4) The Corporation may continue to perform or exercise any function or power conferred upon it under this Act, notwithstanding the delegation of such function or power under this paragraph.