



THE STATUTES OF THE REPUBLIC OF SINGAPORE

TELECOMMUNICATIONS ACT 1999

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An Act to provide for the operation and provision of telecommunication systems and services in Singapore, and for matters connected therewith.

[1 December 1999]

PART 1
PRELIMINARY

Short title

1. This Act is the Telecommunications Act 1999.

Interpretation

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

“Authority” means the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016;

“broadcasting apparatus” and “broadcasting service” have the meanings given by the Broadcasting Act 1994;

“Chief Executive”, in relation to the Authority, means the Chief Executive of the Authority appointed under section 40(2) of the Info-communications Media Development Authority Act 2016, and includes any individual acting in that capacity;

“code of practice” means a code of practice issued or approved under section 23 or 30;

“common property” has the meaning given by section 2(1) of the Building Maintenance and Strata Management Act 2004;

“earthworks” includes —

- (a) any act of excavating earth, rock or other material (by whatever means) in connection with —
 - (i) any works for or relating to the construction, reconstruction, extension, renovation, alteration, demolition or repair of any building, road, railway, bridge, viaduct, flyover, sewer or sewage works;
 - (ii) any works for or relating to the laying, inspecting, repairing or renewing of any mains, pipes, cables, fittings or other apparatuses;

- (iii) any soil investigation works; or
 - (iv) such other works as are usually undertaken by a person carrying on business as a contractor in the construction industry or as a professional civil or structural engineer;
- (b) any act of boring, dredging, jacking, levelling, piling or tunnelling on or under any premises or street by any mechanical means; and
- (c) the driving or sinking of any earth rod, casing or tube into the ground;

“equipment” includes any appliance, apparatus or accessory used or intended to be used for telecommunications, including (to avoid doubt) any such appliance, apparatus or accessory capable of being used for the operation of any broadcasting service;

“Hertzian or radio waves” means electromagnetic waves of frequencies not exceeding 1,000 terahertz propagated in space without any artificial guide;

“Housing and Development Board” means the Housing and Development Board established by section 3 of the Housing and Development Act 1959;

“installation or plant used for telecommunications” includes all buildings, lands, structures, machinery, equipment, cables, poles and lines used or intended for use in connection with telecommunications;

“message” means any sign, signal, writing, image, sound, intelligence or information of any nature transmitted by telecommunications;

“owner” —

- (a) in relation to any premises comprised in a strata title plan under the Land Titles (Strata) Act 1967, means —

- (i) in the case of a lot, the person who is registered as the subsidiary proprietor of the lot under that Act;
 - (ii) in the case of a common property, the management corporation having control of that common property, or the person receiving any rent or charge for the maintenance and management of that common property; and
 - (iii) in the case of a limited common property as defined in section 2(1) of the Building Maintenance and Strata Management Act 2004, the subsidiary management corporation established by the Building Maintenance and Strata Management Act 2004 having control of that limited common property, or the person receiving any rent or charge for the maintenance and management of that limited common property;
- (b) in relation to a building in a housing estate of the Housing and Development Board (called a HDB housing estate), means —
- (i) in the case of a flat, any owner of the flat as defined in section 2(1) of the Housing and Development Act 1959;
 - (ii) in the case of the building's common property in a HDB housing estate that is controlled, managed and maintained by a Town Council, that Town Council; and
 - (iii) in the case of the building's common property in a HDB housing estate that is not controlled, managed and maintained by a Town Council, the Housing and Development Board;

- (c) in relation to a subdivided building other than a subdivided building mentioned in paragraph (a) or (b), means —
- (i) in the case of a lot, the person who is registered under the Land Titles Act 1993 as the proprietor of the fee simple, estate in perpetuity or leasehold estate of that lot; and
 - (ii) in the case of the subdivided building's common property, every person who is registered under the Land Titles Act 1993 as the proprietor of the fee simple, estate in perpetuity or leasehold estate of a lot in that building, or the person receiving any rent or charge for the maintenance and management of the common property;
- (d) in relation to any premises which are not subdivided, means any person who is registered under the Land Titles Act 1993 as the proprietor of the fee simple, estate in perpetuity or leasehold estate of those premises; and
- (e) in relation to any other premises or building, means the person for the time being receiving the rent of the premises or building, whether on the person's own account or as agent, trustee or receiver, or who would receive such rent if the premises or building were let to a tenant, and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act 1960 as the owner of the premises or building, or a mortgagee in possession;

“premises” has the meaning given by section 2(1) of the Building Control Act 1989;

“public telecommunication licensee” means a person designated by the Authority under section 8;

- “public telecommunication licensee’s installation or plant” means any installation or plant used for telecommunications belonging to or used by a public telecommunication licensee;
- “radio-communication” means any telecommunication by means of Hertzian or radio waves;
- “radio-communication service” means any service for radio-communications;
- “radio-communication system” means any system used or intended to be used for radio-communications;
- “repealed Act” means the Telecommunication Authority of Singapore Act (Cap. 323, 1993 Revised Edition) repealed by the Info-communications Development Authority of Singapore Act (Cap. 137A, 2000 Revised Edition);
- “securities”, in relation to a company, includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;
- “shares” includes stock;
- “standard of performance” means a standard of performance issued or approved under section 30;
- “street” includes any way, road, lane, path, passage or open space, whether a thoroughfare or not, over which the public have a right of way and also the roadway and footway over any public bridge and includes any road, footway or passage, used or intended to be used as a means of access to 2 or more holdings, whether the public has a right of way thereover or not;
- “TAS” means the Telecommunication Authority of Singapore reconstituted by the repealed Act;
- “telecommunication cable” means any cable of a telecommunication system belonging to or under the management or control of a telecommunication system licensee;

- “telecommunication cable detection work” means any work of detecting or locating any underground telecommunication cable;
- “telecommunication cable detection worker” means any person whose trade or occupation requires or includes the personal performance by him or her of telecommunication cable detection work;
- “telecommunication cable detection work licence” means a licence granted under section 34;
- “telecommunication licensee” means a person to whom a licence has been granted under section 5 or 7;
- “telecommunication line” means a wire or cable used for telecommunications with any casing, coating, tube or pipe enclosing the same and any appliance and apparatus connected therewith for the purpose of fixing or insulating the same;
- “telecommunication service” means any service for telecommunications, including the leasing of a telecommunication cable, but excludes any broadcasting service;
- “telecommunication system” means any system used or intended to be used for telecommunications, including (to avoid doubt) any such system capable of being used for the operation of any broadcasting service;
- “telecommunication system licensee” means a person licensed under section 5 to operate a telecommunication system;
- “telecommunications” means a transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems whether or not such signs, signals, writing, images, sounds or intelligence have been subjected to re-arrangement, computation or other processes by any means in the course of their transmission, emission or reception;

“Town Council” means a Town Council established by section 4 of the Town Councils Act 1988;

“vessel” includes any ship, boat, air-cushioned vehicle or floating rig or platform used in any form of operations at sea or any other description of vessel.

[10/2005; 19/2011; 22/2016; 30/2016; 4/2021]

PART 2

EXCLUSIVE PRIVILEGE AND LICENSING, ETC., OF TELECOMMUNICATION SYSTEMS

Exclusive privilege with respect to telecommunications

3.—(1) As from 1 December 1999 and subject to this Act, the Authority has the exclusive privilege for the operation and provision of telecommunication systems and services in Singapore.

(2) The privilege conferred on the Authority by subsection (1) —

(a) includes the rights of establishing, installing, using, working, maintaining, developing, constructing, promoting, hiring and selling telecommunication systems and services; and

(b) extends to every vessel or aircraft registered in Singapore and every other vessel, aircraft and any vehicle, whether mechanically propelled or not, in Singapore.

Exceptions to section 3

4. The privilege conferred by section 3 is not infringed by —

(a) the running by a person solely for the person’s own use or solely for the purposes of the person’s business (but not for providing any telecommunication service to another person) of a telecommunication line system in which all the equipment comprised therein is situated —

(i) on a single set of premises in single occupation; or

- (ii) in a vessel, aircraft or vehicle or in 2 or more vessels, aircraft or vehicles mechanically coupled together;
or
- (b) the operation of any telecommunication system in the course of their duties by the officers and men and women of the Singapore Armed Forces, the Singapore Police Force, the Singapore Civil Defence Force or of any visiting force lawfully present in Singapore.

Power to license telecommunication systems and services

5.—(1) A licence may, with the consent of, or in accordance with the terms of a general authority given by the Minister, be granted by the Authority either unconditionally or subject to such conditions as the Authority may impose and specify in the licence and either irrevocably or subject to revocation as therein specified for the running of such telecommunication systems and services falling within section 3 as are specified in the licence.

(2) A licence granted under subsection (1) may be granted either to any person, class of persons or a particular person, and may include (without affecting the power to impose conditions conferred by that subsection) conditions requiring —

- (a) the licensee to enter into agreements or arrangements with any person, class of persons or another telecommunications licensee for —
 - (i) the interconnection of, and access to, telecommunication systems;
 - (ii) the sharing of installation or plant used for telecommunications belonging to any telecommunication licensee; and
 - (iii) such other purpose as may be specified in the licence, and on such terms and conditions as may be agreed to by the licensee and such other persons or licensees or, in default of agreement, as may be determined by the Authority;
- (b) the sharing and trading of radio frequency spectrum;

- (c) the licensee to comply with any direction given by the Authority as to such matters as are specified in the licence or are of a description so specified;
- (d) the licensee to comply with codes of practice and standards of performance that are applicable to the licensee; and
- (e) the licensee to do, or not to do, such things as are specified in the licence or are of a description so specified.

[30/2016]

(3) The grant of a licence under subsection (1) is subject to the payment to the Authority of such fees for the grant of the licence as may be prescribed.

[30/2016]

(4) A licensee must also pay to the Authority such other fees for the licence, or such periodic fees for the duration of the licence, or both —

- (a) as may be prescribed; or
- (b) if not prescribed, as may be specified by the Authority in the licence conditions.

[30/2016]

(5) Any fees payable under subsection (3) or (4) in respect of a licence —

- (a) need not bear any relationship to the cost of granting or administering the licence; and
- (b) are recoverable by the Authority from the licensee as a debt due to the Authority.

[30/2016]

(6) A licensee is not entitled to the refund of any fee paid under subsection (3) or (4) if —

- (a) the licence is cancelled or suspended, or the period of the licence is reduced, under section 10; or
- (b) the licence is terminated at the request of the licensee.

[30/2016]

(7) No person is to question whether the grant of a licence under subsection (1) was, or was not, effected with the consent of or in accordance with the terms of a general authority given by the Minister, and the validity of a licence granted under that subsection must not be impugned on the ground that it was granted neither with the consent of nor in accordance with the terms of a general authority given by the Minister.

(8) The grant of licences under this section is at the discretion of the Authority.

(9) This section does not prevent the Minister from directing the Authority to grant a licence in any specific case.

[10/2005]

(10) Anything done under and in accordance with a licence granted under subsection (1) does not constitute an infringement of the privilege conferred by section 3.

Power to grant spectrum right

6.—(1) The Authority may, with the consent of or in accordance with the terms of a general authority given by the Minister, grant any spectrum right —

(a) unconditionally or subject to such conditions as the Authority may impose and specify in the grant of the spectrum right, including conditions on the sharing and trading of radio frequency spectrum; and

(b) irrevocably or subject to revocation as specified in the grant of the spectrum right for the allocation and use of the radio frequency spectrum specified in the grant.

[10/2005]

(2) A spectrum right may be granted under subsection (1) to any person or class of persons, or to a particular person.

[10/2005]

(3) For the purposes of subsection (1), the Authority may, subject to the regulations made under section 97, specify, in such form and manner as the Authority thinks fit —

- (a) the procedure and requirements for the grant of a spectrum right under subsection (1);
- (b) the conditions for participating in the process for the allocation of the spectrum right; and
- (c) the fees and charges payable, or the manner of determining the fees and charges payable, for the grant of the spectrum right.

[30/2016]

(4) Without affecting subsection (3), the Authority may employ any, or any combination, of the following methods to determine the grant of a spectrum right:

- (a) auction;
- (b) tender;
- (c) allocation of the spectrum right in exchange for such fees or charges as determined or negotiated by the Authority.

[30/2016]

(5) The grant of a spectrum right to a person under subsection (1) is subject to the person paying to the Authority such fees or charges as may be specified, or as may be determined in the manner specified, by the Authority under subsection (3)(c).

[30/2016]

(6) A person who is granted a spectrum right under subsection (1) must also pay to the Authority such other fees or charges for the grant, or such periodic fees or charges for the duration of the grant, or both, as may be specified, or as may be determined in the manner specified, by the Authority under subsection (3)(c).

[30/2016]

(7) The fees or charges payable by a person to the Authority under subsections (5) and (6) are recoverable by the Authority from the person as a debt due to the Authority.

[30/2016]

(8) No person is to question whether the grant of a spectrum right under subsection (1) was, or was not, effected with the consent of or in accordance with the terms of a general authority given by the Minister, and the validity of a spectrum right granted under that subsection must not be impugned on the ground that it was granted neither with the consent of nor in accordance with the terms of a general authority given by the Minister.

[10/2005]

(9) The grant of spectrum rights under subsection (1) is at the discretion of the Authority.

[10/2005]

(10) This section does not prevent the Minister from directing the Authority to grant a spectrum right in any specific case.

[10/2005]

(11) Anything done under and in accordance with a spectrum right granted under subsection (1) does not constitute an infringement of the privilege conferred by section 3.

[10/2005]

(12) For the purposes of giving effect to this section or any of the regulations referred to in subsection (13), the Authority may give directions to any person who has been granted a spectrum right under subsection (1) concerning the use of the spectrum right.

[10/2005]

(13) For the purposes of giving effect to this section, the Authority may by regulations made under section 97 —

- (a) provide for the exclusion of any person from participation, or limiting the person's participation, in the process of allocation of any spectrum right;
- (b) without affecting subsection (1)(a), specify the types of conditions that the Authority may impose on the grant of any spectrum right;
- (c) provide for the variation of the conditions of the grant of any spectrum right;
- (d) provide for the resumption, by agreement or compulsorily, of any spectrum right or part of any spectrum right;

- (e) provide for the suspension or cancellation of the grant of any spectrum right or part of any spectrum right and the grounds for suspension or cancellation; and
- (f) impose on a person who is granted any spectrum right, for the breach of any of the conditions of that grant or of any direction issued under this section, a financial penalty of an amount not exceeding the higher of the following amounts:
 - (i) 10% of the annual turnover of that part of the person's business in respect of which the person is granted the spectrum right, as ascertained from the person's latest audited accounts; or
 - (ii) \$1 million.

[5A

[10/2005; 19/2011; 30/2016]

Power to license satellite orbital slots

7.—(1) The Authority may, with the consent of or in accordance with the terms of a general authority given by the Minister, grant a licence for the use of any satellite orbital slot —

- (a) unconditionally or subject to such conditions as the Authority may impose and specify in the licence; and
- (b) irrevocably or subject to revocation as specified in the licence.

[19/2011]

(2) A licence under subsection (1) —

- (a) may be granted to any person or class of persons, or to a particular person; and
- (b) may include (without affecting the power to impose conditions conferred by that subsection) conditions requiring —
 - (i) the licensee to enter into agreements or arrangements with any person or class of persons, or with another telecommunication licensee, for coordination of radio frequencies;

- (ii) the licensee to comply with any direction given by the Authority as to such matters as are specified in the licence, or as are of a description specified in the licence;
- (iii) the licensee to comply with codes of practice and standards of performance that are applicable to the licensee; and
- (iv) the licensee to do, or to refrain from doing, such things as are specified in the licence, or as are of a description specified in the licence.

[19/2011; 30/2016]

(3) The grant of a licence under subsection (1) is subject to the payment to the Authority of such fees for the grant of the licence as may be prescribed.

[30/2016]

(4) A licensee must also pay to the Authority such other fees for the licence, or such periodic fees for the duration of the licence, or both —

- (a) as may be prescribed; or
- (b) if not prescribed, as may be specified by the Authority in the licence conditions.

[30/2016]

(5) Any fees payable under subsection (3) or (4) in respect of a licence —

- (a) need not bear any relationship to the cost of granting or administering the licence; and
- (b) are recoverable by the Authority from the licensee as a debt due to the Authority.

[30/2016]

(6) A licensee is not entitled to the refund of any fee paid under subsection (3) or (4) if —

- (a) the licence is cancelled or suspended, or if the period of the licence is reduced, under section 10; or
- (b) the licence is terminated at the request of the licensee.

[30/2016]

(7) No person is to question whether the grant of a licence under subsection (1) was, or was not, effected with the consent of or in accordance with the terms of a general authority given by the Minister, and the validity of a licence granted under that subsection must not be impugned on the ground that it was granted neither with the consent of nor in accordance with the terms of a general authority given by the Minister.

[19/2011]

(8) The grant of licences under this section is at the discretion of the Authority.

[19/2011]

(9) This section does not prevent the Minister from directing the Authority to grant a licence in any specific case.

[5B
[19/2011]

Designation of public telecommunication licensees

8. The Authority may, with the approval of the Minister, designate any person who has been granted a licence under section 5 as a public telecommunication licensee to perform all or any of the functions relating to the operation and provision of telecommunication systems and services in Singapore within the exclusive privilege of the Authority under this Act.

[6

Modification of licence conditions

9.—(1) Subject to this section, the Authority may modify the conditions of a licence granted under section 5 or 7.

[19/2011]

(2) Before making modifications to the conditions of a licence of a public telecommunication licensee under this section, the Authority must give notice to the licensee —

- (a) stating that it proposes to make the modifications in the manner as specified in the notice and the compensation payable for any damage caused by the modifications; and
- (b) specifying the time (being at least 28 days from the date of service of notice on the licensee) within which written

representations with respect to the proposed modifications may be made.

(3) Upon receipt of any written representation mentioned in subsection (2), the Authority must consider the representation and may —

- (a) reject the representation; or
- (b) amend the proposed modifications or compensation payable in accordance with the representation, or otherwise,

and, in either event, the Authority must issue a written direction to the licensee requiring that effect be given to the proposed modifications specified in the notice or to such modifications as subsequently amended by the Authority within a reasonable time.

(4) The Authority must not enforce its direction —

- (a) during the period mentioned in section 89(1) or (7);
- (b) while a reconsideration request of the public telecommunication licensee under section 89 in respect of a decision of the Authority under this section is under consideration by the Authority; or
- (c) while an appeal of the public telecommunication licensee under section 89 in respect of a decision of the Authority under this section is under consideration by the Minister.

[10/2005]

(5) If no written representation is received by the Authority within the time specified in subsection (2) or if any written representation made under that subsection is subsequently withdrawn, the Authority may forthwith carry out the modifications as specified in the notice given under that subsection.

[7

Suspension or cancellation of licence, etc.

10.—(1) If the Authority is satisfied that a person who is granted a licence under section 5 or 7 or any regulations made under this Act is contravening, or has contravened, whether by act or omission —

- (a) any of the conditions of the licence or part thereof;
- (b) any provision of any code of practice or standard of performance;
- (c) any direction of the Authority given under section 31, 40(2)(a), (b) or (c), 41(2)(d)(ii) or 43(3); or
- (d) section 38 or any terms or conditions of participation in a dispute resolution scheme (within the meaning of section 51(2)),

the Authority may, by written notice, do either or both of the following:

- (e) issue such written order to the person as the Authority considers requisite for the purpose of securing compliance thereof;
- (f) require the person to pay, within a specified period, a financial penalty of an amount not exceeding the higher of the following amounts:
 - (i) 10% of the annual turnover of that part of the person's business in respect of which the person is granted the licence, as ascertained from the person's latest audited accounts;
 - (ii) \$1 million.

[10/2005; 19/2011; 30/2016]

(2) If the Authority is satisfied that —

- (a) the person mentioned in subsection (1) is again likely to contravene, whether by act or omission, any condition, provision, direction or section mentioned in that subsection;
- (b) the person mentioned in subsection (1) has gone into liquidation other than for the purpose of amalgamation or reconstruction;
- (c) the person mentioned in subsection (1) is no longer in a position to comply with this Act or the terms or conditions of the person's licence; or

(d) the public interest so requires,

the Authority may (in lieu of an order or a financial penalty under subsection (1)(e) or (f)) by written notice and without payment of any compensation or refund of any fee, do all or any of the following:

(e) cancel the licence or part thereof;

(f) suspend the licence or part thereof for such period as the Authority thinks fit;

(g) reduce the period for which the licence is to be in force.

[10/2005; 30/2016]

(3) An order under subsection (1)(e) —

(a) may require the person concerned (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the order, or as are of a description specified in the order; and

(b) takes effect at such time (being the earliest practicable time) as is determined by or under that order.

[19/2011]

(4) The Authority may at any time vary, suspend or revoke the whole or any part of an order under subsection (1)(e).

[19/2011]

(5) Any person who fails to comply with any order under subsection (1)(e) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.

[10/2005]

(6) In any proceedings brought against any person for an offence under subsection (5), it is a defence for the person to prove that the person took all reasonable steps and exercised all due diligence to avoid contravening the order.

(7) If the Authority, by written notice under subsection (1), requires a person who is granted a licence to pay, within a specified period, a financial penalty under subsection (1)(f), and the person fails or refuses to pay the financial penalty within the specified period, the Authority may, by written notice and without payment of any compensation or refund of any fee, do all or any of the following:

- (a) cancel the licence or part thereof;
- (b) suspend the licence or part thereof for such period as the Authority thinks fit;
- (c) reduce the period for which the licence is to be in force.

[19/2011; 30/2016]

(8) Any financial penalty payable by any person under subsection (1)(f) is recoverable by the Authority as a debt due to the Authority from that person; and the person's liability to pay is not affected by the person's licence ceasing (for any reason) to be in force.

[8

Approval of equipment

11.—(1) The following equipment must be approved by the Authority before use:

- (a) any equipment to be used for connection (whether directly or indirectly) to any telecommunication system;
- (b) any equipment to be used as an adjunct to or in conjunction with any telecommunication system; and
- (c) any equipment belonging to a telecommunication system licensee.

[19/2011]

(2) A person applying for an approval under this section may be required by the Authority to comply with such requirements as the Authority may think appropriate; and those requirements may include a requirement to satisfy some other person with respect to any matter.

(3) An approval under this section may apply either to particular equipment or to any equipment of a description specified in the approval, and may so apply either for the purposes of a particular telecommunication system or for the purposes of any telecommunication system of a description so specified.

(4) An approval under this section may specify conditions which must be complied with if the approval is to apply, for any purposes specified in the approval, to any telecommunication system or equipment which is so specified or is of a description so specified.

(5) Any such condition referred to in subsection (4) may impose on the person to whom the approval is given a requirement from time to time to satisfy some other person with respect to any matter.

(6) The Authority or any other person by whom any matter falls to be determined for the purposes of any requirement imposed pursuant to subsection (2) or (4) may charge a fee in respect of the carrying out of any test or other assessment made by the Authority or other person.

(7) A public telecommunication licensee may, with the approval of the Authority (except in cases of emergency), cease or refuse to supply a telecommunication service to any person by means of a telecommunication system operated by the licensee if, through the use of such telecommunication service, there is or is intended to be connected to the telecommunication system, equipment or cabling that is a threat to —

- (a) the safety or proper functioning of the telecommunication system; or
- (b) the safety of any person.

[9

[19/2011]

Residual power of Authority to provide telecommunication services

12.—(1) The Authority may provide any telecommunication service even though it has granted a licence to any person under section 5, in any of the following circumstances:

- (a) if the Authority is of the opinion that a person licensed under section 5 has failed to discharge or is not discharging to the Authority's satisfaction the obligations imposed by the Authority on the person in the licence granted to the person;
- (b) to give effect to any direction of the Minister under section 77.

(2) Where the Authority undertakes the provision of telecommunication services under subsection (1), sections 2, 11, 15 to 28, 29(1), 36, 59 to 63, 65 to 76 and 93 apply, with the necessary modifications, to the Authority in respect of the provision of such services and the references to public telecommunication licensee in those sections are to be read as references to the Authority.

[10]

Charges and other terms for services provided by Authority

13.—(1) The Authority may make, in relation to any service provided by the Authority under this Act, a scheme or schemes for determining either or both of the following:

- (a) the charges which, except insofar as they are the subject of an agreement between the Authority and a person making use of the service, are to be made by the Authority;
- (b) the other terms and conditions which, except as provided, are to be applicable to the service.

(2) A scheme made under this section may make different provision for different cases or classes of cases determined by, or in accordance with, the provisions of the scheme.

(3) A charge exigible by virtue of this section may be recovered by the Authority in any court of competent jurisdiction as if it were a simple contract debt.

(4) A scheme or any amendment of the scheme made under this section comes into operation on such date as may be determined by the Authority.

(5) This section does not prohibit the Authority from levying any charge or collecting any dues for anything done or any service rendered by reason only of not being incorporated in a scheme, and the rates, charges and fees payable to the Authority for any service rendered must be in accordance with such rates, charges and fees as may be determined by the Authority.

(6) The rates, charges and fees applied by the TAS immediately before 1 December 1999 continue to be valid as though determined by the Authority under this section until rescinded, varied or otherwise determined by the Authority.

[11

Sharing of radio frequency spectrum

14.—(1) Where a person (called the first person) is required under this Act or any regulations made under this Act, to share with any other person the radio frequency spectrum allocated to the first person under a licence granted under section 5 or the grant of a spectrum right under section 6, for a station or network —

- (a) all persons operating on the shared radio frequency spectrum must accept that interference may result from the legitimate operation of the station or network specified in the licence or the grant of a spectrum right; and
- (b) the Authority is not responsible or liable for any interference that may arise from the first person’s or other person’s use of the shared radio frequency spectrum.

[30/2016]

(2) In subsection (1) —

“network” means 2 or more stations operated by a person and used or intended to be used in communication with one another;

“station” means —

- (a) a transmitter;
- (b) a receiver;
- (c) a combination of transmitters and receivers; or
- (d) an accessory to any thing specified in paragraphs (a), (b) and (c).

[11A

[30/2016]

PART 3

ERECTION, MAINTENANCE AND REPAIR
OF TELECOMMUNICATION INSTALLATIONS**Power to enter on and examine land other than State land**

15.—(1) Whenever it appears to a public telecommunication licensee that it is, or is probably, necessary to exercise the powers conferred by this Act upon a public telecommunication licensee in respect of any land (other than State land) for the provision of any telecommunication service or installation of any telecommunication system, that licensee or any person authorised by that licensee in that behalf may, after giving at least 3 hours' previous notice to the occupier of the land (if any) enter upon the land and may survey and take levels and do all other necessary acts preparatory to the provision of the service or installation of the system (as the case may be) so far as the same may be possible without causing any damage or disturbance.

[19/2011]

(2) In the event of any damage or disturbance being caused by reason of the entry, the public telecommunication licensee must pay compensation to the owner or occupier of the land.

(3) Nothing in this section is deemed to authorise any employee or agent of a public telecommunication licensee to cut down or clear away any vegetation or any fence or other erection or to enter any building or upon any enclosure attached to any building.

[12]

Power to enter on State land for purposes of installation or plant

16.—(1) For the purpose of providing any telecommunication service or installing any telecommunication system, a public telecommunication licensee or any person authorised by the Authority in that behalf may at any reasonable time —

(a) enter upon any State land;

- (b) subject to the approval of the Authority and the Singapore Land Authority, erect in or upon the State land such installation or plant used for telecommunications or excavate such trenches as may be necessary or proper for the purpose of providing the service or installing the system, as the case may be; and
- (c) carry out all necessary works in connection therewith, and may, in the course thereof, fell or lop trees, remove vegetation and do all other things necessary for that purpose.

[10/2005; 19/2011]

(2) Where any such work interferes with improvements, buildings, growing trees or crops, the licensee must pay compensation for any damage or disturbance.

(3) Where the land is occupied under a licence for temporary occupation, the compensation must be paid to the occupant under the licence.

[13

Power to enter on other land or building for purposes of installation or plant

17.—(1) Subject to this section, whenever it is necessary to do so for the purposes of providing any telecommunication service or installing any telecommunication system under this Act, a public telecommunication licensee may enter, upon or over any land (other than State land) or in any building on any land —

- (a) lay, place or carry on and erect such installation or plant used for telecommunications as may be necessary or proper for such purposes; and
- (b) take such other action as may be necessary to render such installation or plant safe and efficient,

and pay compensation to any person interested for any damage, disturbance or disability that may be caused thereby.

[10/2005; 19/2011]

(2) Any compensation payable under subsection (1) may include an annual payment for land, building or other immovable property used

for the purpose of the public telecommunication licensee's installation or plant.

[10/2005]

(3) A public telecommunication licensee does not acquire any right other than that of user only in respect of any land, building or other property under, over, along, across, in or upon which the licensee places any installation or plant used for telecommunications under this section.

[10/2005]

(4) Before entering on any land or building for the purpose specified in subsection (1), a public telecommunication licensee must give 14 days' notice stating as fully and accurately as possible the nature and extent of the acts intended to be done.

[10/2005]

(5) The notice must be given to the owner or occupier of the land or building in the manner provided under this Act.

[10/2005]

(6) The owner or occupier of the land or building may, within 14 days after receiving the notice mentioned in subsection (4), lodge a written objection with the Authority.

[30/2016]

(7) Where a written objection is lodged by the owner or occupier of the land or building under subsection (6) (called in this section the objector), the Authority must notify the public telecommunication licensee concerned to resolve the dispute with the objector due to the objection.

[30/2016]

(8) On receipt of the Authority's notice under subsection (7), the public telecommunication licensee must take genuine steps to resolve the dispute with the objector due to the objection.

[30/2016]

(9) If the public telecommunication licensee fails to resolve the dispute due to the objection, the licensee must inform the Authority in writing and also furnish all relevant information relating to the steps taken by the licensee to resolve the dispute due to the objection.

[30/2016]

(10) After receipt of the information mentioned in subsection (9), the Authority must notify the public telecommunication licensee and the objector as to whether the Authority is satisfied that the licensee has taken genuine steps to resolve the dispute due to the objection.

[30/2016]

(11) The Authority must hold an inquiry (in such manner as the Authority thinks fit) on the objection, giving each party a reasonable opportunity to be heard if —

(a) the Authority notifies the parties under subsection (10) that the Authority is satisfied that the licensee has taken genuine steps to resolve the dispute due to the objection; and

(b) the objection is not withdrawn.

[30/2016]

(12) Upon the conclusion of the inquiry, the Authority may authorise, either unconditionally or subject to such terms, conditions and stipulations as it thinks fit, any of the acts mentioned in the notice given under subsection (4) to be carried out.

[10/2005; 30/2016]

(13) The public telecommunication licensee may enter the land or building and do all or any of the acts mentioned in the notice given under subsection (4) —

(a) where no written objection is lodged within the period mentioned in subsection (6), after the expiry of that period; or

(b) where a written objection is lodged under subsection (6) —

(i) after the objection is withdrawn;

(ii) after the public telecommunication licensee resolves the dispute with the objector due to the objection; or

(iii) on the Authority's authorisation under subsection (12) subject to the terms, conditions and stipulations imposed by the Authority under that subsection.

[14

[30/2016]

Transfer of installation or plant

18.—(1) Where a public telecommunication licensee (called in this section the transferor licensee), after having laid, placed, carried on or erected any installation or plant used for telecommunications under section 16 or 17, transfers the installation or plant, or any part of it, to another public telecommunication licensee (called in this section the transferee licensee), all rights conferred and obligations imposed on the transferor licensee under this Act in respect of any land, building or other property under, over, along, across, in or upon which the transferred installation or plant (or part of it) has been laid, placed, carried on or erected are deemed, on the transfer date, by virtue of this subsection and without further assurance, to have been transferred to the transferee licensee.

[19/2011]

(2) Subsection (1) applies to every transfer of installation or plant (or part of it) referred to in that subsection which takes place on or after 1 July 2011.

[14A
[19/2011]

Saving of wayleave agreements

19. Subsections (1) and (6) of section 17 do not —

- (a) affect the right of a public telecommunication licensee to enter into an agreement, commonly known as a wayleave agreement, with the owner or occupier of any land for the purpose of laying, placing, carrying or erecting any installation or plant used for telecommunications on the land;
- (b) affect any such wayleave agreement subsisting immediately before 1 December 1999; or
- (c) affect the right of a public telecommunication licensee to negotiate the use of land or facilities belonging to the State or any other person.

[15

Inspection, maintenance and repair of installation or plant for telecommunications

20.—(1) Whenever it is necessary to do so for the purposes of carrying out any functions and duties of the Authority under this Act or any regulations made under this Act, the Authority may enter upon any land or building, or stop or board any vessel, aircraft or vehicle and may carry out all necessary inspections or investigations and do all things necessary for such purpose.

(2) Whenever it is necessary to do so for the purpose of inspecting, maintaining or repairing a public telecommunication licensee's installation or plant or for the purpose of carrying out any functions conferred on a public telecommunication licensee under this Act or under any licence granted under section 5, that licensee or any person authorised by that licensee in that behalf may at any reasonable time —

- (a) enter upon any land or building, whether or not such installation or plant has been laid, placed, carried or erected on, under, upon or over the land or building; and
- (b) carry out all necessary inspection, maintenance or repair, and may in the course of that, fell or lop trees, remove vegetation and do all other things necessary for the purpose, causing as little damage as possible,

and pay compensation to any person adversely affected for any damage that may be caused thereby for which compensation has not already been assessed under section 17.

[16

Alteration or relocation of public telecommunication licensee's installation or plant

21.—(1) Where a public telecommunication licensee's installation or plant has been laid, placed, carried or erected in, on, over, under, upon, along or across any land or building under section 16 or 17 (as the case may be) and the owner or occupier of the land or building desires to use the land or building in a manner which renders it necessary or convenient for such installation or plant to be altered, removed, relocated or diverted, the owner or occupier may request

the public telecommunication licensee to alter, remove, relocate or divert such installation or plant accordingly.

[10/2005]

(2) The public telecommunication licensee must, at the request of the owner or occupier of the land or building under subsection (1), alter, remove, relocate or divert the installation or plant if it is satisfied that such alteration, removal, relocation or diversion is reasonable and the owner or occupier complies with such reasonable terms and conditions as the licensee may impose.

[10/2005]

(3) The terms and conditions a public telecommunication licensee may impose under subsection (2) may include terms and conditions relating to the payment by the owner or occupier of the land or building of all costs and expenses necessary for such alteration, removal, relocation or diversion.

[17
[10/2005]

Removal of trees dangerous to or obstructing any installation or plant for telecommunications

22.—(1) Where, in the opinion of a public telecommunication licensee, there is at any time danger or suspected danger that any tree (which term in this section includes undergrowth) near the licensee's installation or plant may interrupt or interfere with any telecommunication service provided by the licensee or cause damage to such installation or plant, the licensee may cause the tree to be felled or dealt with in such other manner as will, in its opinion, avert the danger.

[19/2011]

(2) A public telecommunication licensee is, in the exercise of its powers under subsection (1), subject to the provisions of the Parks and Trees Act 2005.

(3) Where a tree, which has been felled or otherwise dealt with under subsection (1), was in existence before the public telecommunication licensee's installation or plant was placed, erected or installed, the licensee may, subject to subsections (4) and (5), pay to any person adversely affected such sum as may be agreed by way of compensation.

(4) No further compensation shall be paid for the felling or lopping of any tree or the clearing of any vegetation where the action is necessary for the maintenance of a public telecommunication licensee's installation or plant and the tree and vegetation have grown or been allowed to grow since the payment of compensation under subsection (3).

(5) No compensation is payable by a public telecommunication licensee under subsection (3) in respect of any tree within 20 metres of the centre line of any road constructed or maintained by the Government or by any public authority unless it is proved that the tree was in existence prior to the construction of the road.

(6) Before the owner or occupier of any land fells, lops or clears any tree or vegetation adjacent to a public telecommunication licensee's installation or plant, the owner or occupier must give the licensee 14 days' notice in writing of the intention to do so and must take all such reasonable precautions as the licensee may require for the protection of such installation or plant.

(7) If any such owner or occupier fails to give notice as provided under subsection (6) or having given notice fails to take any such reasonable precautions as the public telecommunication licensee may have required, the owner or occupier is liable to pay the licensee any cost and expense incurred by the licensee for any damage caused to any such installation or plant.

(8) A certificate purporting to be under the hand of the chief executive of the licensee stating the amount of the cost and expense incurred by the licensee under subsection (7) is prima facie evidence of the amount due from the owner or occupier.

(9) If the amount due for the cost and expense is not paid within 7 days after demand, the amount may be recovered in the same manner as if it were a simple contract debt.

(10) If any tree is felled or vegetation is cleared upon land adjacent to a public telecommunication licensee's installation or plant, it is presumed until the contrary is proved that the tree was felled or the vegetation was cleared by the owner or occupier of the land or by the owner's or occupier's employees or agents acting as such.

Provision of space or facility under code of practice

23.—(1) The Authority may, from time to time —

- (a) issue one or more codes of practice for or in connection with the provision, maintenance and use of, and access to, space and facilities within or on any land or building for the operation of any installation, plant or system used for telecommunications, and the allocation of costs and expenses incurred for such provision, maintenance, use and access; and
- (b) amend, suspend or revoke the whole or any part of any code of practice issued under paragraph (a).

[19/2011; 30/2016]

(2) A code of practice issued under subsection (1) may, in particular —

- (a) require the developer or owner of any land or building to provide, maintain or give access to, at the developer's or owner's expense, such space or facility within or on the land or building, for the installation, operation or maintenance of any installation, plant or system used for either or both of the following purposes:
 - (i) the provision of any telecommunication service or radio-communication service to that land or building;
 - (ii) the provision of any telecommunication service or radio-communication service to any other land or building; and
- (b) provide for such fees and charges as may be payable to the Authority in relation to any application or request made to the Authority under the code of practice.

[19/2011; 30/2016]

(3) If any provision in any code of practice issued under subsection (1) is inconsistent with any provision of this Act, that provision in that code of practice, to the extent of the inconsistency —

- (a) has effect subject to the provisions of this Act; or

(b) having regard to the provisions of this Act, does not have effect.

[19/2011]

(4) A code of practice issued under subsection (1) does not have legislative effect.

[19/2011]

(5) Subject to subsection (6), every developer or owner of any land or building, and every telecommunication licensee, to whom any code of practice issued under subsection (1) applies must comply, at that person's expense, with that code of practice.

[19/2011]

(6) The Authority may, either generally or for such time as the Authority may specify, waive the application, to any developer or owner of any land or building or to any telecommunication licensee, of any code of practice issued under subsection (1) or of any part thereof.

[19/2011]

(7) The Authority may give a written notice to a telecommunication licensee, or a developer, owner or occupier of any land or building, requiring compliance with any code of practice issued under subsection (1).

[30/2016]

(8) The Authority may at any time vary, suspend or revoke the whole or any part of a written notice given under subsection (7).

[30/2016]

(9) To avoid doubt, the Authority may give a written notice under subsection (7) even though such written notice may prejudice the contractual obligations of the telecommunication licensee, or the developer, owner or occupier of any land or building, whether the obligation relates to a contract made before, on or after 1 February 2017.

[30/2016]

(10) No liability shall lie against any party to a contract made before, on or after 1 February 2017 for or in relation to, any breach of the contract where the breach is solely attributable to, or occasioned by, the compliance by that party with any written notice given under subsection (7).

[30/2016]

(11) Subsection (10) does not affect the operation of the Frustrated Contracts Act 1959.

[30/2016]

(12) Where any code of practice issued under subsection (1) applies to a person who is a developer or an owner of any land or building, and the Authority is satisfied that the person is contravening, or has contravened, whether by act or omission, any provision of that code of practice, the Authority may issue such written order to the person as the Authority considers necessary for the purpose of securing compliance with that provision.

[19/2011]

(13) An order under subsection (12) —

(a) may require the person concerned (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the order, or as are of a description specified in the order; and

(b) takes effect at such time (being the earliest practicable time) as is determined by or under that order.

[19/2011]

(14) The Authority may at any time vary, suspend or revoke the whole or any part of an order under subsection (12).

[19/2011]

(15) Any person referred to in subsection (12) who fails to comply with an order under that subsection shall be guilty of an offence.

[19/2011]

(16) Any relevant specifications in force immediately before 1 February 2012 —

(a) are deemed to be a code of practice issued under subsection (1); and

(b) remain in force until revoked or replaced by a code of practice issued under subsection (1).

[19/2011]

(17) In subsection (16) “relevant specifications” means any specifications published by the Authority under section 23 in force immediately before 1 February 2012.

[19
[19/2011]

Provision of facilities for radio-communication

24.—(1) Any person who intends to install, erect or construct, within a radius of 200 metres from the site of a telecommunication licensee’s installation or plant used in connection with its radio-communication service, any building more than 30 metres above ground level must notify the licensee in writing before carrying out any such installation, erection or construction.

(2) The telecommunication licensee may, after receiving such notification from the person, make arrangements with the person for the licensee to enter upon the building at any reasonable time to provide such accommodation or other facilities in or around the building as may be necessary or proper for any installation or plant used in connection with radio-communication service to be laid, placed, constructed, erected or installed in, on or around the building.

(3) Where, in the opinion of a telecommunication licensee, a building which is installed, erected or constructed after the licensee’s installation or plant used in connection with its radio-communication service was laid, placed, constructed, erected or installed in or around the building, interrupts or interferes with the licensee’s radio-communication service or system, the licensee may, with the approval of the Authority, at any reasonable time, enter upon the building to provide such accommodation or other facilities in or around the building as may be necessary or proper for such installation or plant to be laid, placed, constructed, erected or installed in, on or around the building for the purposes of eliminating such interruption or interference.

(4) The telecommunication licensee must pay compensation to the owner or occupier of any building for any disturbance, disability or damage caused as a result of any act of the licensee under subsection (2) or (3).

(5) In this section and section 23, “building” means any permanent or temporary building and includes any structure or erection of any kind (whether permanent or temporary) and any extension, modification or alteration made thereto.

[20

Provision of space or facility or installation, plant or system by direction of Authority

25.—(1) Where the Authority considers it necessary that any telecommunication service should be provided to any land or building (whether completed or not) or any occupier of the land or building, or that the quality of a telecommunication service provided to any land or building or to any occupier of that land or building should be enhanced, the Authority may by direction —

- (a) require the developer or owner of the land or building to provide, at the developer’s or owner’s expense and within such period as may be specified in the direction, such space or facility within or on that land or building, and access to that land or building, as the Authority may specify in its direction; and
- (b) require any telecommunication licensee to install, within such period as may be specified in the direction, such installation, plant or system in that space or facility as the Authority considers necessary for the provision, or the enhancement of quality, of the telecommunication service to that land or building or to the occupier of that land or building.

[30/2016]

(2) Where the Authority considers it necessary that any broadcasting service, the operation of which requires a telecommunication system, should be provided to any land or building, whether completed or not, or that the quality of any such broadcasting service provided to any land or building should be enhanced, the Authority may by direction —

- (a) require the developer or owner of the land or building to provide at the developer’s or owner’s expense and within such period as may be specified in the direction, such space

or facility within or on the land or building, and access thereto, as the Authority may specify in its direction; and

- (b) require any telecommunication licensee to install, within such period as may be specified in the direction, such installation, plant or system as the Authority considers necessary for the provision, or the enhancement of quality, of the broadcasting service to the land or building.

[19/2011; 22/2016]

(3) Where the Authority —

- (a) considers it necessary that in relation to any land or building, whether completed or not (called in this section the relevant property), a radio-communication service should be provided to the relevant property or the quality of a radio-communication service provided to the relevant property should be enhanced; and
- (b) is satisfied that it would be in the public interest for a telecommunication licensee providing the radio-communication service to install any installation, plant or system within or on another land or building (called in this section the subject property) in order to serve the relevant property or enhance the quality of the radio-communication service provided to the relevant property,

the Authority may by direction —

- (c) require the developer or owner of the subject property in paragraph (b) to provide, at the developer's or owner's expense and within such period as may be specified in the direction, such space or facility within or on the subject property, and access to the subject property, as the Authority may specify in its direction; and
- (d) require the telecommunication licensee to install within or on the subject property, within such period as may be specified in the direction, such installation, plant or system as the Authority considers necessary for the provision or

enhancement of the quality of the radio-communication service to the relevant property.

[30/2016]

(4) To avoid doubt, the Authority may give directions under subsection (1), (2), (3) or (13) even though such directions may prejudice the contractual obligations of the telecommunication licensee, or the developer, owner or occupier of any land or building, whether the obligation relates to a contract made before, on or after 1 February 2017.

[30/2016]

(5) No liability shall lie against any party to a contract made before, on or after 1 February 2017 for or in relation to, any breach of the contract where the breach is solely attributable to, or occasioned by, the compliance by that party with any direction of the Authority under subsection (1), (2), (3) or (13).

[30/2016]

(6) Subsection (5) does not affect the operation of the Frustrated Contracts Act 1959.

[30/2016]

(7) Where a telecommunication licensee that is using any space or facility within or on any land or building pursuant to a direction under subsection (1), (2) or (3), or any code of practice issued by the Authority, intends to use that space or facility —

- (a) to provide any telecommunication service or broadcasting service, or to enhance the quality of any telecommunication service or broadcasting service provided, to any land or building not in the direction to the licensee under subsection (1) or (2);
- (b) to provide any radio-communication service, or to enhance the quality of any radio-communication service provided, to any land or building that is not the relevant land or building in the direction to the licensee under subsection (3); or
- (c) to provide any telecommunication service, broadcasting service or radio-communication service that is not in the direction to the licensee under subsection (1), (2) or (3) (as

the case may be) whether or not to the same land or building in the direction,

the licensee must give 14 days' notice to the developer or owner of that land or building, stating as fully and accurately as possible the nature and extent of the acts intended to be done for the purpose of paragraph (a), (b) or (c), as the case may be.

[30/2016]

(8) The developer or owner of the land or building may, within 14 days after receiving a notice under subsection (7), lodge a written objection with the Authority.

[30/2016]

(9) Where a written objection is lodged by the developer or owner of the land or building under subsection (8) (called in this section the objector), the Authority must notify the telecommunication licensee concerned to resolve the dispute with the objector due to the objection.

[30/2016]

(10) On receipt of the Authority's notice under subsection (9), the telecommunication licensee must take genuine steps to resolve the dispute with the objector due to the objection.

[30/2016]

(11) If the telecommunication licensee fails to resolve the dispute due to the objection, the licensee must inform the Authority in writing and also furnish all relevant information relating to the steps taken by the licensee to resolve the dispute due to the objection.

[30/2016]

(12) After receipt of the information mentioned in subsection (11), the Authority —

- (a) must notify the telecommunication licensee and the objector as to whether the Authority is satisfied that the licensee has taken genuine steps to resolve the dispute due to the objection; and
- (b) if so satisfied, must hold an inquiry (in such manner as the Authority thinks fit) on the objection, giving each party a reasonable opportunity to be heard if the objection is not withdrawn.

[30/2016]

(13) Upon the conclusion of the inquiry, the Authority may, upon being satisfied that the use of the space or facility for a purpose in the notice given under subsection (7) would be reasonable, by directions to the telecommunication licensee or the developer or owner of the land or building require either or both to give effect to the notice in such manner and on such terms, conditions and stipulations as the Authority may specify in the direction, including directions that —

- (a) require the developer or owner to allow the licensee to use the space or facility; or
- (b) require the licensee to install and operate any installation, plant or system within the space or facility.

[30/2016]

(14) The telecommunication licensee may enter on the land or building and do all or any of the acts mentioned in the notice given under subsection (7) —

- (a) where no written objection is lodged within the period specified in subsection (8), after the expiry of that period; or
- (b) where a written objection is lodged under subsection (8) —
 - (i) after the objection is withdrawn;
 - (ii) after the telecommunication licensee resolves the dispute with the objector due to the objection; or
 - (iii) on the Authority's direction under subsection (13), subject to the terms, conditions and stipulations imposed by the Authority under that subsection.

[30/2016]

(15) Any direction under subsection (1), (2), (3) or (13) may include —

- (a) a requirement that the telecommunication licensee must contribute, wholly or partly, to such costs and expenses incurred for the provision and use of any space or facility or installation, plant or system under subsection (1), (2), (3) or (13) as the Authority may determine;

- (b) terms and conditions relating to the payment of costs and expenses necessary for any alteration, removal, relocation or diversion of the installation, plant or system that may subsequently be required; and
- (c) such other requirements as the Authority may specify.

[10/2005; 19/2011; 30/2016]

(16) The Authority may at any time vary, suspend or revoke the whole or any part of a direction under subsection (1), (2), (3) or (13).

[19/2011; 30/2016]

(17) Any person who fails to comply with any requirement in a direction under this section shall be guilty of an offence.

[21

[10/2005]

Prohibition against exclusive agreements or arrangements

26.—(1) The developer or owner of any land or building —

- (a) must not enter into or enforce any agreement or arrangement with any occupier of the land or building that restricts or prevents the occupier from selecting any supplier of telecommunication systems and services to provide telecommunication services to the occupier; and
- (b) must not enter into or enforce any agreement or arrangement with any telecommunication licensee that restricts or prevents other telecommunication licensees from installing their installation, plant or system in the land or building or supplying telecommunication systems and services to the land or building or supplying telecommunication services to any occupier of the land or building.

[30/2016]

(2) The Authority may give such directions as the Authority thinks fit to be observed by the telecommunication licensee, or the developer, owner or occupier of the land or building, to ensure compliance with subsection (1).

[30/2016]

(3) To avoid doubt, the Authority may give directions under subsection (2) even though such directions may prejudice the contractual obligations of the telecommunication licensee, or the developer, owner or occupier of any land or building, whether the obligation relates to a contract made before, on or after 1 February 2017.

[30/2016]

(4) No liability shall lie against any party to a contract made before, on or after 1 February 2017 for or in relation to, any breach of the contract where the breach is solely attributable to, or occasioned by, the compliance by that party with any direction of the Authority under subsection (2).

[30/2016]

(5) Subsection (4) does not affect the operation of the Frustrated Contracts Act 1959.

[30/2016]

(6) The Authority may at any time vary, suspend or revoke the whole or any part of a direction given under subsection (2).

[30/2016]

(7) Any person who fails to comply with any requirement in a direction under this section shall be guilty of an offence.

[22
[30/2016]

Disputes as to compensation

27. If any dispute arises under sections 15(2), 16(2), 17(1), 20(2), 22(3) and 24(4), it shall, on application for that purpose by any aggrieved person to the Authority, be determined by the Authority.

[23
[10/2005]

Precautions in execution of work

28. The execution of any work by a public telecommunication licensee under this Act which may affect any street, railway, river, canal, or other waterway or any system of irrigation, drainage or water supply or any telecommunications, harbour works or any other public or private works, and the erection of any installation or plant used for telecommunications whether over, on or under the ground

must be carried out in a lawful manner having regard to the safety of any person or property.

[24]

Exemption from distress and attachment, etc.

29.—(1) The installation or plant used for telecommunications of a public telecommunication licensee shall not be subject to distress or be liable to be taken in execution under any process of a court in any bankruptcy or insolvency proceedings against any person without the Minister's prior written approval.

(2) Every installation or plant used for telecommunications placed under, over, along, across, in or upon any property by a public telecommunication licensee remains the property of the licensee concerned whether or not it has become in whole or in part a fixture.

[25]

PART 4

CODES OF PRACTICE, STANDARDS OF PERFORMANCE, DIRECTIONS AND ADVISORY GUIDELINES ON TELECOMMUNICATIONS

[19/2011]

Codes of practice and standards of performance on telecommunications

30.—(1) The Authority may, from time to time —

- (a) issue one or more codes of practice or standards of performance;
- (b) approve as a code of practice or standard of performance any document prepared by a person other than the Authority, if the Authority considers the document to be suitable for this purpose; or

- (c) review, amend or revoke any code of practice or standard of performance issued under paragraph (a) or approved under paragraph (b),

with respect to all or any of the following:

- (d) the operation of telecommunication systems and equipment;
- (e) the provision of telecommunication services;
- (f) the activities and conduct of telecommunication licensees in the provision of telecommunication services;
- (g) the provision of services relating to the use of, or access to, telecommunication systems;
- (h) the activities and conduct of telecommunication licensees in the provision of services relating to the use of, or access to, telecommunication systems;
- (i) competition, abuse of a dominant position in the market and fair market conduct in the telecommunication industry in Singapore;
- (j) the acquisitions or consolidations involving a telecommunication licensee and any other person (whether a telecommunication licensee or otherwise);
- (k) the collection, use and disclosure by telecommunication licensees of information about subscribers of telecommunication services, without the subscribers' consent, including information about the subscribers' personal data, telecommunication subscription and usage;
- (l) the carrying out of the purposes and provisions of this Act and the due administration thereof.

[19/2011; 30/2016]

(2) A code of practice issued or approved under subsection (1) may, in particular —

- (a) specify the duties and obligations of any person in relation to the person's business operation in the telecommunication industry; and

- (b) provide for such fees and charges as may be payable to the Authority in relation to any application or request made to the Authority under the code of practice.

[19/2011]

(3) If any provision in any code of practice or standard of performance issued or approved under subsection (1) is inconsistent with any provision of this Act, that provision in that code of practice or standard of performance, to the extent of the inconsistency —

- (a) has effect subject to the provisions of this Act; or
(b) having regard to the provisions of this Act, does not have effect.

[19/2011]

(4) A code of practice or standard of performance issued or approved under subsection (1) does not have legislative effect.

[19/2011]

(5) Subject to subsection (6), every telecommunication licensee to whom any code of practice or standard of performance issued or approved under subsection (1) applies must comply with that code of practice or standard of performance.

[19/2011]

(6) The Authority may, either generally or for such time as the Authority may specify, waive the application, to any telecommunication licensee, of any code of practice or standard of performance issued or approved under subsection (1) or of any part of any such code of practice or standard of performance.

[26

[19/2011]

Directions affecting telecommunication licensees

31.—(1) The Authority may give directions to be observed by telecommunication licensees —

- (a) to ensure the reliability of the provision of any telecommunication service to the public;
(b) to ensure the technical compatibility and safety of operation of any equipment or telecommunication system;

- (c) to ensure fair and efficient market conduct by telecommunication licensees;
- (d) to ensure the coordination and cooperation, on such terms as the Authority may specify, with any other person in the use or sharing of any installation, plant or system (or part of it) owned or used by the telecommunication licensee for the provision of any telecommunication service; or
- (e) in the public interest.

[10/2005; 19/2011]

(2) The Authority may give directions to be observed by telecommunication licensees —

- (a) to ensure the reliability of the provision of any broadcasting service, the operation of which requires a telecommunication system, to the public;
- (b) to ensure the technical compatibility and safety of operation of any equipment or telecommunication system used for the provision of any broadcasting service;
- (c) to ensure fair and efficient market conduct by telecommunication licensees in relation to the use of telecommunication systems for the provision of broadcasting services;
- (d) to ensure the coordination and cooperation, on such terms as the Authority may specify, with any other person in the use or sharing of any installation, plant or system (or part of it) owned or used by the telecommunication licensee for the provision of any broadcasting service; or
- (e) in relation to the provision of any broadcasting service, the operation of which requires a telecommunication system, in the public interest.

[19/2011; 22/2016]

(3) A direction under subsection (1) or (2) —

- (a) may require the telecommunication licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the

direction, or as are of a description specified in the direction; and

- (b) takes effect at such time (being the earliest practicable time) as is determined by or under that direction.

[19/2011]

(4) The Authority may at any time vary, suspend or revoke the whole or any part of a direction under subsection (1) or (2).

[19/2011]

(5) Before giving a direction to any telecommunication licensee under subsection (1) or (2) or varying a direction under subsection (4), the Authority must, unless the Authority in respect of any particular direction considers that it is not practicable or desirable, give notice —

- (a) stating that the Authority proposes to make or vary the direction and setting out its effect; and
- (b) specifying the time within which representations or objections to the proposed direction or variation may be made,

and must consider any representations or objections which are duly made.

[10/2005; 19/2011]

(6) Every telecommunication licensee must comply with every direction of the Authority given to the licensee under this section.

[27

Advisory guidelines

32.—(1) The Authority may make written advisory guidelines about any aspect of telecommunications.

(2) Advisory guidelines, for example, may be made about —

- (a) any matter in respect of which codes of practice and standards of performance may be made under section 30;
- (b) the use, construction, design or performance of anything;
- (c) interference with radio-communications; or
- (d) frequency allocation and coordination.

- (3) The Authority must —
- (a) give a copy of each advisory guideline it makes to the Minister; and
 - (b) publish each advisory guideline in the way it thinks fit.
- [28

PART 5

TELECOMMUNICATION CABLE DETECTION WORK

Telecommunication cable detection work to be carried out before earthworks

33.—(1) Subject to subsection (2), a person must not commence or carry out, or cause or permit the commencement or carrying out of, any earthworks which are within the vicinity of any telecommunication cable belonging to or under the management or control of a telecommunication system licensee unless —

- (a) the person has given to the telecommunication system licensee at least 7 days' (or such other period as the Authority may allow in any particular case) notice in writing of the date on which it is proposed to commence the earthworks;
 - (b) the person has obtained from the telecommunication system licensee the necessary information on the location of such telecommunication cable and has consulted the licensee on the steps to be taken to prevent the telecommunication cable from damage while the earthworks are being carried out; and
 - (c) the person has caused telecommunication cable detection work to be performed or carried out by a licensed telecommunication cable detection worker in order to confirm the location of the telecommunication cable.
- (2) Subsection (1) does not prohibit a person from commencing or carrying out any earthworks where the person has reasonable cause to believe that it is necessary to do so in the interest of public or private safety, except that the person must, not more than 7 days after the

earthworks have been commenced or carried out, give to the telecommunication system licensee a written notice stating the nature and extent of those earthworks.

(3) It is the duty of the person who carries out any earthworks referred to in subsection (1) —

- (a) to comply with all reasonable requirements of the telecommunication system licensee for the prevention of damage to the telecommunication cable;
- (b) to ensure that reasonable precautions are taken when carrying out such earthworks to prevent any damage to the telecommunication cable, including but not limited to site supervision of the earthworks; and
- (c) to allow the telecommunication system licensee reasonable access to the work site for the purpose of inspecting or taking any necessary measures to protect the telecommunication cable.

(4) It is the duty of a telecommunication system licensee to whom a notice under subsection (1)(a) has been given —

- (a) to promptly inform the person who has given the telecommunication system licensee the notice of the location of the telecommunication cable and to provide such person with any other information as may be necessary to enable the person to ascertain the exact location of the telecommunication cable;
- (b) to advise the person who has given the telecommunication system licensee the notice on the precautions to be taken to prevent damage to the telecommunication cable; and
- (c) to take all such measures at the work site as may be reasonable and necessary for the protection of the telecommunication cable from damage and, in so doing, the telecommunication system licensee must have regard to the potential risks and dangers that can arise from any damage to the telecommunication cable.

(5) A person (other than a licensed telecommunication cable detection worker) must not commence or carry out any telecommunication cable detection work within the vicinity of any telecommunication cable belonging to or under the management or control of a telecommunication system licensee where such telecommunication cable detection work is commenced or carried out in connection or combination with or in relation to any earthworks carried out or to be carried out.

(6) Any person who contravenes or fails to comply with subsection (1) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.

(7) Subject to subsection (8), in any proceedings for an offence under subsection (6), it is a defence for the person charged to prove —

- (a) that the person took all reasonable steps to discharge the person's duty under subsection (1) or (3), as the case may be; or
- (b) that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(8) If in any proceedings for an offence under subsection (6) the defence involves acting on information supplied by a telecommunication system licensee or a licensed telecommunication cable detection worker, the person charged is not, without leave of the court, entitled to rely on that defence unless, within 14 clear days before the hearing, the person charged has served on the prosecutor a written notice giving such information as was then in the person's possession identifying or assisting in the identification of the person who supplied the information to the person charged.

(9) Any person who contravenes or fails to comply with subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Powers of Authority in relation to telecommunication cable detection work

34. The Authority may —

- (a) grant a telecommunication cable detection work licence permitting a person to perform such telecommunication cable detection work as is specified in the licence and may suspend, cancel, alter, extend, renew or replace any such licence;
- (b) classify any telecommunication cable detection work licence in such manner as it determines;
- (c) specify the nature of the telecommunication cable detection work in respect of which a telecommunication cable detection work licence is granted and restrict such work to any type or class of telecommunication cable detection work;
- (d) specify the circumstances or manner in which licensed cable detection workers may perform or carry out telecommunication cable detection work;
- (e) impose any terms, conditions or restrictions on any telecommunication cable detection work licence;
- (f) require any public telecommunication licensee to conduct approved courses of training, including refresher courses, and provide for examinations for telecommunication cable detection workers;
- (g) keep a register of licensed telecommunication cable detection workers; and
- (h) do any act or thing which is necessary or convenient to carrying out the objects of this Part or is incidental thereto.

[30

Licensed telecommunication cable detection workers

35.—(1) Any person who, not being a licensed telecommunication cable detection worker, advertises or holds himself or herself out or conducts himself or herself in any way or by any means as a person

who is a licensed telecommunication cable detection worker shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[10/2005]

(2) A person (other than a licensed telecommunication cable detection worker) is not entitled to recover in any court any charge, fee or remuneration for any telecommunication cable detection work performed or carried out by the person.

[31

Duty to enquire before excavation

36. Any person who digs, bores, trenches, grades, excavates or breaks any ground with any mechanical equipment or explosive or allows employee or agent of the person to do so without first ascertaining the location of any telecommunication cable belonging to or under the management or control of any telecommunication system licensee that may be interfered with shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.

[32

[10/2005]

PART 5A

CONTROL OF DESIGNATED TELECOMMUNICATION LICENSEES, DESIGNATED BUSINESS TRUSTS AND DESIGNATED TRUSTS

Interpretation of this Part

37.—(1) In this Part, unless the context otherwise requires —

“12% controller” means —

- (a) in relation to a designated telecommunication licensee, a person who, alone or together with the person’s associates —

- (i) holds 12% or more but less than 30% of the total number of voting shares in the designated telecommunication licensee; or
 - (ii) is in a position to control 12% or more but less than 30% of the voting power in the designated telecommunication licensee;
- (b) in relation to a designated business trust, a person who, alone or together with the person's associates —
 - (i) holds 12% or more but less than 30% of the total number of units in the designated business trust; or
 - (ii) is in a position to control 12% or more but less than 30% of the voting power in the designated business trust; or
- (c) in relation to a designated trust, a person who, alone or together with the person's associates —
 - (i) holds 12% or more but less than 30% of the equity interests in the designated trust; or
 - (ii) is in a position to control 12% or more but less than 30% of the voting power in the designated trust;

“30% controller” means —

- (a) in relation to a designated telecommunication licensee, a person who, alone or together with the person's associates —
 - (i) holds 30% or more of the total number of voting shares in the designated telecommunication licensee; or
 - (ii) is in a position to control 30% or more of the voting power in the designated telecommunication licensee;
- (b) in relation to a designated business trust, a person who, alone or together with the person's associates —

- (i) holds 30% or more of the total number of units in the designated business trust; or
 - (ii) is in a position to control 30% or more of the voting power in the designated business trust; or
- (c) in relation to a designated trust, a person who, alone or together with the person's associates —
- (i) holds 30% or more of the equity interests in the designated trust; or
 - (ii) is in a position to control 30% or more of the voting power in the designated trust;

“business” means —

- (a) in relation to a designated business trust, the business relating to the trust property of the designated business trust and managed and operated by the trustee-manager of the designated business trust in its capacity as trustee-manager of the designated business trust; or
- (b) in relation to a designated trust, such business relating to the trust property of the designated trust as is prescribed by any regulations made under section 97;

“business trust” has the meaning given by section 2 of the Business Trusts Act 2004;

“corporation” has the meaning given by section 4(1) of the Companies Act 1967;

“designated business trust” means a business trust that —

- (a) is established wholly or partly in respect of a telecommunication system (or any part of it) operated by a telecommunication system licensee; and

(b) has been declared by the Authority under subsection (2) to be a designated business trust for the purposes of this Part;

“designated telecommunication licensee” means a telecommunication licensee that is a corporation and that —

(a) has been declared by the Authority under subsection (2) to be a designated telecommunication licensee for the purposes of this Part; or

(b) belongs to a class of telecommunication licensees which has been declared by the Authority under subsection (2) to be a class of designated telecommunication licensees for the purposes of this Part;

“designated trust” means a trust that —

(a) is prescribed, or belongs to a class of trusts prescribed, by any regulations made under section 97;

(b) is established wholly or partly in respect of a telecommunication system (or any part of it) operated by a telecommunication system licensee; and

(c) has been declared by the Authority under subsection (2) to be a designated trust for the purposes of this Part;

“effective control” means —

(a) in relation to a designated telecommunication licensee, the ability to cause the designated telecommunication licensee to take, or to refrain from taking, a major decision regarding the management or operations of the designated telecommunication licensee;

(b) in relation to a designated business trust, the ability to cause the trustee-manager of the designated business

trust to take, or to refrain from taking, a major decision regarding the management or operations of the designated business trust; or

- (c) in relation to a designated trust, the ability to cause the trustee of the designated trust to take, or to refrain from taking, a major decision regarding the management or operations of the designated trust;

“equity interest” means —

- (a) in relation to a corporation, a voting share in that corporation;
- (b) in relation to a designated business trust, a unit in that designated business trust; or
- (c) in relation to a designated trust, any right or interest, whether legal or equitable, in that designated trust which gives the holder of that right or interest voting power in that designated trust;

“related corporation” has the meaning given by section 4(1) of the Companies Act 1967;

“relative”, in relation to a person, means —

- (a) the person’s spouse;
- (b) a parent or remoter lineal ancestor, or a step-parent, of the person;
- (c) a child or remoter issue, or a stepchild, of the person; or
- (d) a sibling or stepsibling of the person;

“share” has the meaning given by section 4(1) of the Companies Act 1967;

“treasury share” has the meaning given by section 4(1) of the Companies Act 1967;

“trustee-manager” has the meaning given by section 2 of the Business Trusts Act 2004;

“unit” has the meaning given by section 2 of the Business Trusts Act 2004;

“unitholder” has the meaning given by section 2 of the Business Trusts Act 2004;

“voting share” has the meaning given by section 4(1) of the Companies Act 1967.

[19/2011]

(2) The Authority may, by notification in the *Gazette*, do one or more of the following:

- (a) declare any telecommunication licensee to be a designated telecommunication licensee for the purposes of this Part;
- (b) declare any class of telecommunication licensees to be a class of designated telecommunication licensees for the purposes of this Part;
- (c) declare any business trust to be a designated business trust for the purposes of this Part, if the business trust is established wholly or partly in respect of a telecommunication system (or any part of it) operated by a telecommunication system licensee;
- (d) declare any trust to be a designated trust for the purposes of this Part, if the trust —
 - (i) is prescribed, or belongs to a class of trusts prescribed, by any regulations made under section 97; and
 - (ii) is established wholly or partly in respect of a telecommunication system (or any part of it) operated by a telecommunication system licensee;
- (e) vary or revoke any declaration of a designated telecommunication licensee, a designated business trust or a designated trust;
- (f) vary or revoke any declaration of a class of designated telecommunication licensees.

[19/2011]

(3) For the purposes of this Part, in relation to a designated telecommunication licensee the whole or any portion of the share capital of which consists of stock, an interest of a person in any such stock is deemed to be an interest in an issued share in the designated telecommunication licensee having the same nominal amount as the amount of that stock and having attached to it the same rights as are attached to that stock.

[19/2011]

(4) For the purposes of this Part, a person, *A*, is an associate of another person, *B*, if —

- (a) *A* is a relative of *B*;
- (b) *A* is a related corporation of *B*;
- (c) *A* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B* or, where *B* is a corporation, of the directors of *B*;
- (d) *B* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;
- (e) *A* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B* or, where *B* is a corporation, of the directors of *B*;
- (f) *B* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;
- (g) *A* is a corporation in which *B*, alone or together with other associates of *B* as described in paragraphs (b) to (f), is in a position to control at least 12% of the voting power in *A*;
- (h) *B* is a corporation in which *A*, alone or together with other associates of *A* as described in paragraphs (b) to (f), is in a position to control at least 12% of the voting power in *B*;

- (i) *A* is a person with whom *B* has an agreement or arrangement, whether oral or in writing and whether express or implied, to act together with respect to the acquisition, holding or disposal of shares, units or other equity interests in, or with respect to the exercise of their voting power in relation to, a designated telecommunication licensee, a designated business trust or a designated trust; or
- (j) *A* is related to *B* in such other manner as may be prescribed by any regulations made under section 97.

[19/2011]

(5) For the purposes of this Part —

- (a) a person holds a voting share in a corporation if the person has any legal or equitable interest in that share, other than an interest that is to be disregarded under subsection (7);
- (b) a person holds a unit in a business trust if the person has any legal or equitable interest in that unit, other than an interest that is to be disregarded under subsection (10); and
- (c) a person holds an equity interest in a trust if the person has any legal or equitable interest in that equity interest, other than an interest that is to be disregarded under subsection (12).

[19/2011]

(6) Except as otherwise provided in subsection (7), for the purposes of this Part, a person is deemed to have an interest in a share, if —

- (a) the person has entered into a contract to purchase that share; or
- (b) the person, not being the registered holder of that share, is entitled (otherwise than by reason of the person having been appointed a proxy or representative to vote at a meeting of members of a corporation or of a class of its members) to exercise or control the exercise of a right attached to that share.

[19/2011]

(7) For the purposes of subsections (5)(a) and (6), the following are disregarded:

- (a) an interest in a share of a person who holds the share as bare trustee;
- (b) an interest in a share of a person whose ordinary business includes the lending of money, if the person holds the interest only by way of security for the purposes of a transaction entered into in the ordinary course of business in connection with the lending of money;
- (c) an interest in a share of a person whose ordinary business includes the underwriting of securities, if the person holds the interest only as an underwriter or a sub-underwriter to any offering of shares of a designated telecommunication licensee;
- (d) an interest in a share held by a person —
 - (i) in the person's capacity as a liquidator, the Official Receiver, the Official Assignee or the Public Trustee;
or
 - (ii) by reason of the person holding such other office as may be prescribed for the purposes of section 7(9)(c) of the Companies Act 1967;
- (e) an interest of a corporation in its own shares purchased or otherwise acquired in accordance with sections 76B to 76G of the Companies Act 1967 (including treasury shares);
- (f) such interest in a share as may be prescribed for the purposes of section 7(9)(d) of the Companies Act 1967, being an interest of such person, or of a person belonging to such class of persons, as may be prescribed for the purposes of that provision.

[19/2011]

(8) Section 7(7), (8) and (10) of the Companies Act 1967 apply in determining whether a person has an interest in a share for the purposes of subsections (5)(a) and (6).

[19/2011]

(9) Except as otherwise provided in subsection (10), for the purposes of this Part, a person is deemed to have an interest in a unit, if —

- (a) the person has entered into a contract to purchase that unit;
or
- (b) the person, not being the registered holder of that unit, is entitled (otherwise than by reason of the person having been appointed a proxy or representative to vote at a meeting of unitholders of a business trust or of a class of its unitholders) to exercise or control the exercise of a right attached to that unit.

[19/2011]

(10) For the purposes of subsections (5)(b) and (9), the following are disregarded:

- (a) an interest in a unit of a person who holds the unit as bare trustee;
- (b) an interest in a unit of a person whose ordinary business includes the lending of money, if the person holds the interest only by way of security for the purposes of a transaction entered into in the ordinary course of business in connection with the lending of money;
- (c) an interest in a unit of a person whose ordinary business includes the underwriting of securities, if the person holds the interest only as an underwriter or a sub-underwriter to any offering of units of a designated business trust;
- (d) an interest in a unit held by a person in the person's capacity as a liquidator, the Official Receiver, the Official Assignee or the Public Trustee.

[19/2011]

(11) Except as otherwise provided in subsection (12), for the purposes of this Part, a person is deemed to have an equity interest in a designated trust, if —

- (a) the person has entered into a contract to purchase that equity interest; or

- (b) the person, not being the holder of that equity interest, is entitled (otherwise than by reason of the person having been appointed a proxy or representative to vote at a meeting of holders of equity interests in the designated trust or of a class of its holders of equity interests) to exercise or control the exercise of a right attached to that equity interest.

[19/2011]

(12) For the purposes of subsections (5)(c) and (11), the following are disregarded:

- (a) an equity interest of a person who holds the interest as bare trustee;
- (b) an equity interest of a person whose ordinary business includes the lending of money, if the person holds the interest only by way of security for the purposes of a transaction entered into in the ordinary course of business in connection with the lending of money;
- (c) an equity interest of a person whose ordinary business includes the underwriting of securities, if the person holds the interest only as an underwriter or a sub-underwriter to any offering of equity interests in a designated trust;
- (d) an equity interest held by a person in the person's capacity as a liquidator, the Official Receiver, the Official Assignee or the Public Trustee.

[19/2011]

(13) For the purposes of this Part, a reference to control of a percentage of the voting power in a designated telecommunication licensee, designated business trust or designated trust is a reference to control that is direct or indirect, including control that is exercisable as a result of or by means of arrangements or practices, whether or not having legal or equitable force and whether or not based on legal or equitable rights, of that percentage of the total number of votes that may be cast in a general meeting of the designated telecommunication licensee, designated business trust or designated trust, as the case may be.

[19/2011]

(14) For the purposes of subsection (13), there shall be disregarded any control of any voting power in a designated telecommunication licensee, designated business trust or designated trust that is exercisable —

- (a) by a person, by virtue of holding an interest in a share of the designated telecommunication licensee, a unit of the designated business trust or an equity interest in the designated trust (as the case may be) as a bare trustee;
- (b) by a person whose ordinary business includes the lending of money, by virtue of holding an interest in a share of the designated telecommunication licensee, a unit of the designated business trust or an equity interest in the designated trust (as the case may be) only by way of security for the purposes of a transaction entered into in the ordinary course of business in connection with the lending of money;
- (c) by a person whose ordinary business includes the underwriting of securities, by virtue of holding an interest in a share of the designated telecommunication licensee, a unit of the designated business trust or an equity interest in the designated trust (as the case may be) only as an underwriter or a sub-underwriter to any offering of shares of the designated telecommunication licensee, units of the designated business trust or equity interests in the designated trust, as the case may be; or
- (d) by a person, by virtue of holding an interest in a share of the designated telecommunication licensee, a unit of the designated business trust or an equity interest in the designated trust, as the case may be —
 - (i) in the person's capacity as a liquidator, the Official Receiver, the Official Assignee or the Public Trustee;
or
 - (ii) by reason of the person holding such other office as may be prescribed for the purposes of section 7(9)(c) of the Companies Act 1967.

[19/2011]

(15) Where a corporation is limited both by shares and by guarantee or does not have a share capital, this section has effect as if the members of the corporation were shareholders in the corporation.

[32A
[19/2011]]

Control of equity interests and voting power in designated telecommunication licensee, designated business trust or designated trust

38.—(1) Subject to subsection (9), a designated telecommunication licensee must give written notice to the Authority, within 7 days after the designated telecommunication licensee first becomes aware of the event, in the event that any person, whether by a series of transactions over a period of time or otherwise —

- (a) holds 5% or more but less than 12% of the total number of voting shares in the designated telecommunication licensee; or
- (b) is in a position to control 5% or more but less than 12% of the voting power in the designated telecommunication licensee.

[19/2011]

(2) Subject to subsection (9), the trustee-manager of a designated business trust must give written notice to the Authority, within 7 days after the trustee-manager first becomes aware of the event, in the event that any person, whether by a series of transactions over a period of time or otherwise —

- (a) holds 5% or more but less than 12% of the total number of units in the designated business trust; or
- (b) is in a position to control 5% or more but less than 12% of the voting power in the designated business trust.

[19/2011]

(3) Subject to subsection (9), the trustee of a designated trust must give written notice to the Authority, within 7 days after the trustee first becomes aware of the event, in the event that any person, whether by a series of transactions over a period of time or otherwise —

- (a) holds 5% or more but less than 12% of the equity interests in the designated trust; or
- (b) is in a position to control 5% or more but less than 12% of the voting power in the designated trust.

[19/2011]

(4) Every person required to give a notice under subsection (1), (2) or (3) must ensure that the notice —

- (a) is given in such form and manner as the Authority may determine; and
- (b) is supported by such information as the Authority may require.

[19/2011]

(5) Subject to subsection (10), a person must not, without obtaining the prior written approval of the Authority to do so, become, whether through a series of transactions over a period of time or otherwise, a 12% controller or a 30% controller of a designated telecommunication licensee, designated business trust or designated trust.

[19/2011]

(6) Subject to subsection (10), a person must not, without obtaining the prior written approval of the Authority to do so, acquire any business (of a designated telecommunication licensee, designated business trust or designated trust) that is conducted pursuant to a telecommunication licence granted under section 5, or any part of any such business, as a going concern.

[19/2011]

(7) Subject to subsection (10), a person must not, without obtaining the prior written approval of the Authority to do so, obtain effective control over a designated telecommunication licensee, designated business trust or designated trust.

[19/2011]

(8) An application for the written approval of the Authority under subsection (5), (6) or (7) —

- (a) must be made in such form and manner as the Authority may determine; and

- (b) must be supported by such information as the Authority may require.

[19/2011]

(9) A written notice need not be given to the Authority under subsection (1), (2) or (3), if the event mentioned in the applicable subsection occurs by virtue only of any transaction prescribed by the Minister for the purposes of this subsection by order in the *Gazette*.

[19/2011]

(10) Any person may, without obtaining the prior written approval of the Authority to do so, do any thing mentioned in subsection (5), (6) or (7), if the doing of that thing occurs by virtue only of any transaction prescribed by the Minister for the purposes of this subsection by order in the *Gazette*.

[19/2011]

(11) A designated telecommunication licensee must give written notice to the Authority, within 7 days after the designated telecommunication licensee first becomes aware of the event, in the event that any person, by virtue only of any transaction prescribed by the Minister for the purposes of this subsection by order in the *Gazette* —

- (a) becomes, whether through a series of transactions over a period of time or otherwise, a 12% controller or a 30% controller of the designated telecommunication licensee;
- (b) acquires any business of the designated telecommunication licensee that is conducted pursuant to a telecommunication licence granted under section 5, or any part of any such business, as a going concern; or
- (c) obtains effective control over the designated telecommunication licensee.

[19/2011]

(12) The trustee-manager of a designated business trust must give written notice to the Authority, within 7 days after the trustee-manager first becomes aware of the event, in the event that any person, by virtue only of any transaction prescribed by the Minister for the purposes of this subsection by order in the *Gazette* —

- (a) becomes, whether through a series of transactions over a period of time or otherwise, a 12% controller or a 30% controller of the designated business trust;
- (b) acquires any business of the designated business trust that is conducted pursuant to a telecommunication licence granted under section 5, or any part of any such business, as a going concern; or
- (c) obtains effective control over the designated business trust.

[19/2011]

(13) The trustee of a designated trust must give written notice to the Authority, within 7 days after the trustee first becomes aware of the event, in the event that any person, by virtue only of any transaction prescribed by the Minister for the purposes of this subsection by order in the *Gazette* —

- (a) becomes, whether through a series of transactions over a period of time or otherwise, a 12% controller or a 30% controller of the designated trust;
- (b) acquires any business of the designated trust that is conducted pursuant to a telecommunication licence granted under section 5, or any part of any such business, as a going concern; or
- (c) obtains effective control over the designated trust.

[19/2011]

(14) Subject to subsection (15), any person who contravenes subsection (2), (3), (12) or (13) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[19/2011; 30/2016]

(15) Subsection (14) does not apply to a telecommunication licensee that is —

- (a) a trustee-manager of a designated business trust; or
- (b) a trustee of a designated trust.

[32B

[30/2016]

Power to issue code of practice relating to control of designated telecommunication licensees, designated business trusts and designated trusts

39.—(1) Without limiting section 30, the Authority may issue a code of practice under that section which specifies such matters as are generally necessary for carrying out the purposes and provisions of this Part and for the due administration thereof.

[19/2011]

(2) Without limiting subsection (1), the Authority may specify in the code of practice —

- (a) the rules and procedures that each of the following must comply with:
 - (i) a designated telecommunication licensee;
 - (ii) a person who holds any voting shares, or controls any voting power, in a designated telecommunication licensee;
 - (iii) a person who holds any units, or controls any voting power, in a designated business trust;
 - (iv) a person who holds any equity interest, or controls any voting power, in a designated trust;
 - (v) a person who acquires any business (of a designated telecommunication licensee, designated business trust or designated trust) that is conducted pursuant to a telecommunication licence granted under section 5, or any part of any such business, as a going concern;
 - (vi) a person who obtains effective control over a designated telecommunication licensee, designated business trust or designated trust;
- (b) the terms and conditions which the Authority may impose when granting any written approval under section 38(5), (6) or (7); and

- (c) the fees and charges payable to the Authority in respect of any application or request made to the Authority under the code of practice.

[32C
[19/2011]]

Power to issue directions relating to control of designated telecommunication licensees, designated business trusts and designated trusts

40.—(1) Without limiting section 31, the Authority may issue a direction under subsection (2) if —

- (a) a person (called in this section the specified person) —
- (i) becomes a 12% controller or 30% controller of a designated telecommunication licensee, designated business trust or designated trust;
 - (ii) acquires any business (of a designated telecommunication licensee, designated business trust or designated trust) that is conducted pursuant to a telecommunication licence granted under section 5, or any part of any such business, as a going concern; or
 - (iii) obtains effective control over a designated telecommunication licensee, designated business trust or designated trust; and
- (b) the Authority is satisfied that —
- (i) the specified person has thereby contravened section 38(5), (6) or (7);
 - (ii) any condition of approval imposed by the Authority on the specified person when granting its written approval under section 38(5), (6) or (7) has not been complied with;
 - (iii) the specified person has furnished false or misleading information or documents in connection with the person's application for written approval under section 38(5), (6) or (7);

- (iv) the Authority would not have granted its written approval under section 38(5), (6) or (7) had it been aware, at the time the approval was granted, of any matter relevant to the specified person's application for such approval; or
- (v) the applicable matter referred to in paragraph (a)(i), (ii) or (iii) is likely to substantially lessen competition or is against the public interest.

[19/2011]

(2) The Authority may, in the circumstances specified in subsection (1), issue such of the following directions as may be applicable:

- (a) direct the designated telecommunication licensee to do all or any of the following:
 - (i) to restrict the exercise of all or any of the voting rights in respect of the shares which the specified person holds, or which the specified person and the specified person's associates together hold, in the designated telecommunication licensee (called in this section the specified shares), or to restrict the exercise of the voting power which the specified person controls, or which the specified person and the specified person's associates together control, in the designated telecommunication licensee, unless the Authority expressly permits such rights or power to be exercised;
 - (ii) to restrict the issuance or offer of shares in the designated telecommunication licensee (whether by way of rights, bonus or otherwise) in respect of the specified shares, unless the Authority expressly permits such issue or offer;
 - (iii) except in a liquidation of the designated telecommunication licensee, to restrict the payment of any amount (whether by way of dividends or otherwise) in respect of the specified shares, unless the Authority expressly authorises such payment

subject to such conditions as the Authority may specify;

- (b) direct the trustee-manager of the designated business trust to do all or any of the following:
- (i) to restrict the exercise of all or any of the voting rights in respect of the units which the specified person holds, or which the specified person and the specified person's associates together hold, in the designated business trust (called in this section the specified units), or to restrict the exercise of the voting power which the specified person controls, or which the specified person and the specified person's associates together control, in the designated business trust, unless the Authority expressly permits such rights or power to be exercised;
 - (ii) to restrict the issuance or offer of units in the designated business trust (whether by way of rights, bonus or otherwise) in respect of the specified units, unless the Authority expressly permits such issue or offer;
 - (iii) except in a winding up of the designated business trust, to restrict the payment of any amount (whether by way of profits, income or otherwise) in respect of the specified units, unless the Authority expressly authorises such payment subject to such conditions as the Authority may specify;
- (c) direct the trustee of the designated trust to do all or any of the following:
- (i) to restrict the exercise of all or any of the voting rights in respect of the equity interests which the specified person holds, or which the specified person and the specified person's associates together hold, in the designated trust (called in this section the specified equity interests), or to restrict the exercise of the voting power which the specified person controls, or which the specified person and the

- specified person's associates together control, in the designated trust, unless the Authority expressly permits such rights or power to be exercised;
- (ii) to restrict the issuance or offer of equity interests in the designated trust (whether by way of rights, bonus or otherwise) in respect of the specified equity interests, unless the Authority expressly permits such issue or offer;
 - (iii) except in a winding up of the designated trust, to restrict the payment of any amount (whether by way of profits, income or otherwise) in respect of the specified equity interests, unless the Authority expressly authorises such payment subject to such conditions as the Authority may specify;
- (d) direct the specified person, or any associate of the specified person, to transfer or dispose of all or any part of the specified shares, specified units or specified equity interests (as the case may be) within such time as the Authority may determine and subject to such conditions as the Authority considers appropriate;
- (e) direct the specified person to transfer or dispose of all or any part of the business or part thereof that is conducted pursuant to a telecommunication licence granted under section 5, and that is acquired from the designated telecommunication licensee, designated business trust or designated trust as a going concern, within such time as the Authority may determine and subject to such conditions as the Authority considers appropriate;
- (f) direct the specified person to relinquish effective control over the designated telecommunication licensee, designated business trust or designated trust, within such time as the Authority may determine and subject to such conditions as the Authority considers appropriate.

[19/2011]

(3) Before issuing a direction to any person under subsection (2), the Authority must, unless the Authority decides that it is not practicable or desirable to do so, cause to be given to that person written notice of the Authority's intention to issue the direction, specifying a date by which that person may make written representations with regard to the proposed direction.

[19/2011]

(4) Upon receipt of any written representations mentioned in subsection (3), the Authority must consider them for the purpose of determining whether to issue the direction.

[19/2011]

(5) Any person to whom a direction is given under subsection (2) must comply with the direction.

[19/2011]

(6) The Authority may at any time vary, suspend or revoke any direction issued under this section.

[19/2011]

(7) Any direction given to a person under subsection (2) has effect, despite —

- (a) the Business Trusts Act 2004, the Companies Act 1967, the Limited Liability Partnerships Act 2005 and the Trustees Act 1967;
- (b) anything in any listing rules as defined in section 2(1) of the Securities and Futures Act 2001; and
- (c) the provisions of the memorandum or articles of association, trust deed or other constitution of the designated telecommunication licensee, designated business trust or designated trust.

[30/2016]

(8) Without affecting subsection (7) —

- (a) where any direction is issued under subsection (2)(a), unless the direction is suspended or revoked —
 - (i) the voting rights in respect of the specified shares, and the voting power which the specified person controls, or which the specified person and the specified person's associates together control, in the

designated telecommunication licensee, are not exercisable unless the Authority expressly permits such rights or power to be exercised;

- (ii) no shares in the designated telecommunication licensee are to be issued or offered (whether by way of rights, bonus or otherwise) in respect of the specified shares, unless the Authority expressly permits such issue or offer; and
 - (iii) except in a liquidation of the designated telecommunication licensee, no amount is to be paid (whether by way of dividends or otherwise) in respect of the specified shares, unless the Authority expressly authorises such payment;
- (b) where any direction is issued under subsection (2)(b), unless the direction is suspended or revoked —
- (i) the voting rights in respect of the specified units, and the voting power which the specified person controls, or which the specified person and the specified person's associates together control, in the designated business trust, are not exercisable unless the Authority expressly permits such rights or power to be exercised;
 - (ii) no units in the designated business trust are to be issued or offered (whether by way of rights, bonus or otherwise) in respect of the specified units, unless the Authority expressly permits such issue or offer; and
 - (iii) except in a winding up of the designated business trust, no amount is to be paid (whether by way of profits, income or otherwise) in respect of the specified units, unless the Authority expressly authorises such payment; or
- (c) where any direction is issued under subsection (2)(c), unless the direction is suspended or revoked —

- (i) the voting rights in respect of the specified equity interests, and the voting power which the specified person controls, or which the specified person and the specified person's associates together control, in the designated trust, are not exercisable unless the Authority expressly permits such rights or power to be exercised;
- (ii) no equity interests in the designated trust are to be issued or offered (whether by way of rights, bonus or otherwise) in respect of the specified equity interests, unless the Authority expressly permits such issue or offer; and
- (iii) except in a winding up of the designated trust, no amount is to be paid (whether by way of profits, income or otherwise) in respect of the specified equity interests, unless the Authority expressly authorises such payment.

[19/2011; 30/2016]

(9) Subject to subsection (10), any person who contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$125,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$12,500 for every day or part of a day during which the offence continues after conviction; or
- (b) in any other case, to a fine not exceeding \$250,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for every day or part of a day during which the offence continues after conviction.

[19/2011; 30/2016]

(10) Subsection (9) does not apply to a telecommunication licensee that is —

- (a) a designated telecommunication licensee mentioned in subsection (2)(a);

- (b) a trustee-manager of the designated business trust mentioned in subsection (2)(b); or
- (c) a trustee of the designated trust mentioned in subsection (2)(c).

[32D
[30/2016]

Power to issue directions to enforce conditions imposed by Authority when approving application under section 38(5), (6) or (7)

41.—(1) Without affecting section 31, the Authority may issue a direction under subsection (2) if —

- (a) a person (called in this section the specified person) —
 - (i) is a 12% controller or 30% controller of a designated telecommunication licensee, designated business trust or designated trust;
 - (ii) owns any business (of a designated telecommunication licensee, designated business trust or designated trust) that is conducted under a telecommunication licence granted under section 5, or any part of any such business, as a going concern; or
 - (iii) has effective control over a designated telecommunication licensee, designated business trust or designated trust;
- (b) the Authority, in granting its written approval to the specified person under section 38(5), (6) or (7) in respect of any designated telecommunication licensee, designated business trust or designated trust, imposes a condition that the specified person must transfer or dispose of all or any part of —
 - (i) the shares which the specified person holds, or which the specified person and the specified person's associates together hold, in the designated

telecommunication licensee (called in this section the specified shares);

- (ii) the units which the specified person holds, or which the specified person and the specified person's associates together hold, in the designated business trust (called in this section the specified units); or
 - (iii) the equity interests which the specified person holds, or which the specified person and the specified person's associates together hold, in the designated trust (called in this section the specified equity interests); and
- (c) the Authority is satisfied that the condition has not been complied with.

[30/2016]

(2) The Authority may, in the circumstances specified in subsection (1), issue all or any of the following directions:

- (a) direct the specified person, or any associate of the specified person, to transfer or dispose of all or any part of the specified shares, specified units or specified equity interests (as the case may be) within such time and subject to such conditions as the Authority specifies;
- (b) direct the specified person to transfer or dispose of all or any part of the business that is conducted under a telecommunication licence granted under section 5, and that is acquired from the designated telecommunication licensee, designated business trust or designated trust as a going concern, within such time and subject to such conditions as the Authority specifies;
- (c) direct the specified person to relinquish effective control over the designated telecommunication licensee, designated business trust or designated trust, within such time and subject to such conditions as the Authority specifies;

(d) direct —

- (i) the specified person, or any associate of the specified person, to procure the issue of such number of shares, units or equity interests in the designated telecommunication licensee, designated business trust or designated trust (as the case may be) as the Authority may determine, within such time and subject to such conditions as the Authority specifies;
- (ii) the designated telecommunication licensee, the trustee-manager of the designated business trust, or the trustee of the designated trust, to procure the issue of such number of shares, units or equity interests in the designated telecommunication licensee, designated business trust or designated trust (as the case may be) as the Authority may determine, within such time and subject to such conditions as the Authority specifies; and
- (iii) the specified person, or any associate of the specified person, to transfer or dispose of all or any part of the specified shares, specified units or specified equity interests, in the designated telecommunication licensee, designated business trust or designated trust (as the case may be) within such time and subject to such conditions as the Authority specifies.

[30/2016]

(3) Before issuing a direction to any person under subsection (2), the Authority must, unless the Authority decides that it is not practicable or desirable to do so, cause to be given to that person written notice of the Authority's intention to issue the direction, specifying a date by which that person may make written representations with regard to the proposed direction.

[30/2016]

(4) Upon receipt of any written representation under subsection (3), the Authority must consider the representation for the purpose of determining whether to issue the direction.

[30/2016]

(5) Any person to whom a direction is issued under subsection (2) must comply with the direction.

[30/2016]

(6) The Authority may at any time vary, suspend or revoke any direction issued under this section.

[30/2016]

(7) Any direction issued to a person under subsection (2) has effect, despite —

(a) the Business Trusts Act 2004, the Companies Act 1967, the Limited Liability Partnerships Act 2005 and the Trustees Act 1967;

(b) anything in any listing rules as defined in section 2(1) of the Securities and Futures Act 2001; and

(c) the provisions of the memorandum or articles of association, trust deed or other constitution of the specified person, designated telecommunication licensee, designated business trust or designated trust.

[30/2016]

(8) Subject to subsection (9), any person that contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction —

(a) in the case of an individual, to a fine not exceeding \$125,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$12,500 for every day or part of a day during which the offence continues after conviction; or

(b) in any other case, to a fine not exceeding \$250,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for every day or part of a day during which the offence continues after conviction.

[30/2016]

(9) Subsection (8) does not apply to a telecommunication licensee that is —

- (a) a designated telecommunication licensee mentioned in subsection (2)(d)(ii);
- (b) a trustee-manager of the designated business trust mentioned in subsection (2)(d)(ii); or
- (c) a trustee of the designated trust mentioned in subsection (2)(d)(ii).

[32DA
[30/2016]

Power of Authority to obtain information relating to control of designated telecommunication licensees, designated business trusts and designated trusts

42.—(1) Without affecting sections 31 and 78, the Authority may, by written notice —

- (a) direct any designated telecommunication licensee to obtain from any shareholder of the designated telecommunication licensee, and to transmit to the Authority within such time as may be specified in the notice, the following information:
 - (i) whether that shareholder holds any voting share in the designated telecommunication licensee as a trustee; and
 - (ii) if so —
 - (A) the name of the person for whom that shareholder holds the voting share as a trustee, or such other particulars as are sufficient to enable the identification of that person; and
 - (B) the nature of that person’s interest;
- (b) direct the trustee-manager of any designated business trust to obtain from any unitholder of the designated business trust, and to transmit to the Authority within such time as may be specified in the notice, the following information:
 - (i) whether that unitholder holds any unit in the designated business trust as a trustee; and

(ii) if so —

(A) the name of the person for whom that unitholder holds the unit as a trustee, or such other particulars as are sufficient to enable the identification of that person; and

(B) the nature of that person's interest; and

(c) direct the trustee of any designated trust to obtain from any holder of equity interests in the designated trust, and to transmit to the Authority within such time as may be specified in the notice, the following information:

(i) whether that holder holds any equity interest in the designated trust as a trustee; and

(ii) if so —

(A) the name of the person for whom that holder holds the equity interest as a trustee, or such other particulars as are sufficient to enable the identification of that person; and

(B) the nature of that person's interest.

[19/2011]

(2) The Authority may, by written notice —

(a) direct any shareholder of a designated telecommunication licensee to provide to the Authority, within such time as may be specified in the notice, the following information:

(i) whether that shareholder holds any voting share in the designated telecommunication licensee as a trustee; and

(ii) if so —

(A) the name of the person for whom that shareholder holds the voting share as a trustee, or such other particulars as are sufficient to enable the identification of that person; and

(B) the nature of that person's interest;

- (b) direct any unitholder of a designated business trust to provide to the Authority, within such time as may be specified in the notice, the following information:
 - (i) whether that unitholder holds any unit in the designated business trust as a trustee; and
 - (ii) if so —
 - (A) the name of the person for whom that unitholder holds the unit as a trustee, or such other particulars as are sufficient to enable the identification of that person; and
 - (B) the nature of that person's interest; and
- (c) direct any holder of equity interests in a designated trust to provide to the Authority, within such time as may be specified in the notice, the following information:
 - (i) whether that holder holds any equity interest in the designated trust as a trustee; and
 - (ii) if so —
 - (A) the name of the person for whom that holder holds the equity interest as a trustee, or such other particulars as are sufficient to enable the identification of that person; and
 - (B) the nature of that person's interest.

[19/2011]

- (3) Any person who —
 - (a) fails to comply with a notice under subsection (1) or (2); or
 - (b) in purported compliance with a notice under subsection (1) or (2), knowingly or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and shall be liable on conviction —

- (c) in the case of an individual, to a fine not exceeding \$125,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$12,500 for every day or

part of a day during which the offence continues after conviction; or

- (d) in any other case, to a fine not exceeding \$250,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for every day or part of a day during which the offence continues after conviction.

[32E
[19/2011]

Appointment of chief executive officer, director, etc., of designated telecommunication licensee

43.—(1) A designated telecommunication licensee must not appoint a person as its chief executive officer, its director or the chairperson of its board of directors, unless it has obtained the approval of the Authority to do so.

[19/2011]

(2) The Authority may —

- (a) grant its approval, without or with conditions, such conditions limited to either or both of the following:
- (i) specifying the period of appointment for which the approval is granted, including any requirement for the designated telecommunication licensee to seek approval for re-appointment;
 - (ii) specifying the actions to be taken by the designated telecommunication licensee or the person appointed; and
- (b) at any time add to, vary or revoke any condition of the approval under paragraph (a), subject to the limitation in that paragraph.

[30/2016]

(3) Where a designated telecommunication licensee appoints a person as its chief executive officer, its director or the chairperson of its board of directors without the approval of the Authority, in contravention of subsection (1), or the designated telecommunication licensee or the person appointed is in contravention of any of the conditions imposed under subsection (2), the Authority may issue a

direction to the licensee to remove that person from his or her appointment as chief executive officer, director or chairperson of the board of directors (as the case may be) of the licensee.

[19/2011; 30/2016]

(4) The Authority may at any time vary, suspend or revoke any direction issued under subsection (3).

[19/2011]

(5) This section has effect despite the provisions of any other written law and the provisions of the memorandum or articles of association, or other constitution, of the designated telecommunication licensee.

[19/2011]

(6) In this section —

“chief executive officer”, in relation to a designated telecommunication licensee —

(a) means any person, by whatever name described, who —

(i) is in the direct employment of, or acting for or by arrangement with, the designated telecommunication licensee; and

(ii) is principally responsible for the management and conduct of any type of business of the designated telecommunication licensee in Singapore; and

(b) includes any person for the time being performing all or any of the functions or duties of a chief executive officer;

“director” has the meaning given by section 4(1) of the Companies Act 1967.

[32F

[19/2011]

PART 5B

SPECIAL ADMINISTRATION ORDER

Interpretation of this Part**44.** In this Part —

“critical support infrastructure” means any infrastructure that belongs to, or is under the control of, a telecommunication licensee, and that satisfies all of the following criteria:

- (a) the infrastructure is required by other telecommunication licensees to provide a telecommunication service;
- (b) the infrastructure cannot be replicated within the foreseeable future, or obtained from a third party, by an efficient new entrant to the market for telecommunication services in Singapore, in either case, at a cost that would reasonably allow market entry;
- (c) the failure or refusal by the firstmentioned telecommunication licensee to allow other telecommunication licensees to use the infrastructure would unreasonably restrict competition in any market for telecommunication services in Singapore;

“prescribed transferee” means —

- (a) the Authority; or
- (b) a person nominated by the Authority;

“specified telecommunication licensee” means a telecommunication licensee which the Minister has declared under section 45 to be a specified telecommunication licensee for the purposes of this Part.

[32G
[19/2011]]

Declaration of specified telecommunication licensee

45.—(1) The Minister may, after consulting with the Authority, by notification in the *Gazette*, declare any telecommunication licensee to be a specified telecommunication licensee for the purposes of this Part, if —

- (a) the licensee —
 - (i) is a public telecommunication licensee; or
 - (ii) owns or controls any critical support infrastructure;
or
- (b) the Minister is satisfied that it is in the public interest to do so.

[19/2011]

(2) A declaration of a specified telecommunication licensee under subsection (1)(a)(i) remains in force only so long as the licensee remains a public telecommunication licensee.

[19/2011]

(3) A declaration of a specified telecommunication licensee under subsection (1)(a)(ii) remains in force only so long as the licensee continues to own or control any critical support infrastructure.

[19/2011]

(4) The Minister may, after consulting with the Authority, by notification in the *Gazette*, revoke any declaration under subsection (1).

[32H
[19/2011]

Meaning and effect of special administration order

46.—(1) A special administration order is an order of the Minister, made in accordance with section 47 in relation to a specified telecommunication licensee, directing that during the period for which the order is in force, the affairs, business and property of that licensee must be managed by a person appointed by the Minister (which may include the Authority) —

- (a) for securing one or more of the purposes of such an order set out in subsection (2); and

- (b) in a manner which protects the respective interests of the shareholders and the creditors of the licensee.

[19/2011]

(2) The purposes mentioned in subsection (1)(a) are —

- (a) the security and reliability of the supply of telecommunication services in Singapore;
- (b) the survival of the specified telecommunication licensee, or the whole or any part of its business or undertaking, as a going concern;
- (c) the transfer to another person, or (as respects different parts of its business or undertaking) to 2 or more different persons, as a going concern, of so much of the specified telecommunication licensee's business or undertaking as it is necessary to transfer in order to ensure that the functions and duties which have been vested in the licensee by virtue of its licence may be properly carried out; and
- (d) the carrying out of the functions and duties vested in the specified telecommunication licensee, pending the making of the transfer and the vesting of those functions and duties in any other person or persons.

[19/2011]

(3) The Minister may make regulations for giving effect to this Part, including —

- (a) regulations governing the transfer of a specified telecommunication licensee's business or undertaking mentioned in subsection (2)(c); and
- (b) where a special administration order is made, regulations for applying, omitting or modifying the provisions of Part 7 of the Insolvency, Restructuring and Dissolution Act 2018.

[32I

[19/2011; 40/2018]

Power to make special administration order, etc.

47.—(1) If, on an application made to the Minister by the Authority in relation to any specified telecommunication licensee, the Minister

is satisfied that any one or more of the grounds specified in subsection (2) are satisfied in relation to that licensee, the Minister may make any one or more of the following orders:

- (a) a special administration order in relation to that licensee;
- (b) an order requiring the licensee immediately to take any action or to do or not to do any act or thing in relation to its business as the Minister may consider necessary;
- (c) an order appointing a person to advise that licensee in the proper conduct of its business.

[19/2011]

(2) The grounds mentioned in subsection (1) are that —

- (a) there has been, is or is likely to be a contravention by the specified telecommunication licensee of the conditions of its licence or of this Act which is serious enough to make it inappropriate for the licensee to continue to hold the licence;
- (b) the specified telecommunication licensee is or is likely to be unable to pay its debts;
- (c) the Minister considers it in the interest of the security and reliability of the supply of telecommunication services in Singapore; and
- (d) the Minister considers it to be in the public interest.

[19/2011]

(3) The Minister may make a special administration order in relation to a specified telecommunication licensee despite the commencement of —

- (a) any proceedings relating to the making of an order under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to the specified telecommunication licensee;
- (b) any proceedings relating to the making of a judicial management order under the Insolvency, Restructuring and Dissolution Act 2018 in relation to the specified telecommunication licensee;

- (c) any meeting convened under section 94(7) of the Insolvency, Restructuring and Dissolution Act 2018 in relation to the specified telecommunication licensee; or
- (d) any proceedings under the Insolvency, Restructuring and Dissolution Act 2018 relating to the winding up of the affairs of the specified telecommunication licensee.

[19/2011; 15/2017; 40/2018]

(4) Notice of any application under subsection (1) must be given immediately by the Authority to such persons and in such manner as may be determined by the Authority.

[19/2011]

(5) Any decision of the Minister under subsection (1) is final.

[19/2011]

(6) For the purposes of this section, a specified telecommunication licensee, being a company, is unable to pay its debts if it is deemed to be unable to pay its debts under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018.

[19/2011; 40/2018]

(7) The Minister may at any time (whether or not the appointment of the person has terminated) fix the remuneration and expenses to be paid by a specified telecommunication licensee to any person appointed by the Minister under subsection (1)(c) to advise the licensee in the proper conduct of its business.

[19/2011]

(8) Where the Minister issues an order to a specified telecommunication licensee under subsection (1) and the licensee fails to comply with that order, the licensee shall be guilty of an offence.

[32J]

[19/2011]

Transfer of property, etc., under special administration order

48.—(1) Without limiting sections 46 and 47, a special administration order may provide for the following matters:

- (a) the transfer of the property, rights and liabilities of a specified telecommunication licensee to one or more prescribed transferees;

- (b) matters that are consequential or related to any such transfer.

[19/2011]

(2) If the Minister makes a special administration order providing for any matter mentioned in subsection (1), the Minister must, within 6 months after the making of the order, by notification in the *Gazette*, establish a scheme for determining the amount of any compensation payable to the specified telecommunication licensee for the transfer of its property, rights and liabilities.

[19/2011]

(3) A scheme established under subsection (2) may provide for —

- (a) the manner in which any compensation or consideration is to be assessed, including methods of calculation, valuation dates and matters to be taken into account or disregarded when making valuations;
- (b) the assessment to be made by an independent valuer appointed by the Minister; and
- (c) the remuneration and expenses of the independent valuer.

[32K

[19/2011]

Restrictions on voluntary winding up, etc.

49.—(1) Despite any other written law —

- (a) a specified telecommunication licensee must not be wound up voluntarily without the consent of the Authority;
- (b) a person must not make any application under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a specified telecommunication licensee, unless that person has served 14 days' notice in writing of the person's intention to make that application on the Authority;
- (c) a person must not make any application for a judicial management order under the Insolvency, Restructuring and Dissolution Act 2018 in relation to a specified telecommunication licensee, unless that person has

served 14 days' notice in writing of the person's intention to make that application on the Authority;

- (d) a specified telecommunication licensee must not appoint an interim judicial manager under section 94(3) of the Insolvency, Restructuring and Dissolution Act 2018, unless that licensee has served 14 days' notice in writing of that licensee's intention to make the appointment on the Authority;
- (e) a person must not take any step to enforce any security over a specified telecommunication licensee's property, unless that person has served 14 days' notice in writing of the person's intention to take that step on the Authority; and
- (f) a person must not take any step to execute or enforce any judgment or order of court obtained against a specified telecommunication licensee, unless that person has served 14 days' notice in writing of the person's intention to take that step on the Authority.

[19/2011; 15/2017; 40/2018]

(2) The Authority is a party to —

- (a) any proceedings relating to the making of an order under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a specified telecommunication licensee;
- (b) any proceedings relating to the making of a judicial management order under the Insolvency, Restructuring and Dissolution Act 2018 in relation to a specified telecommunication licensee;
- (c) any meeting convened under section 94(7) of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a specified telecommunication licensee; and
- (d) any proceedings under the Insolvency, Restructuring and Dissolution Act 2018 relating to the winding up of the affairs of a specified telecommunication licensee.

[19/2011; 15/2017; 40/2018]

(3) A court must, when deciding any proceedings mentioned in subsection (2), take into consideration any representations made by the Authority in those proceedings.

[32L
[19/2011]

PART 5C

ALTERNATIVE DISPUTE RESOLUTION SCHEME

Interpretation of this Part

50. In this Part, unless the context otherwise requires —

“declared telecommunication licensee” means a telecommunication licensee —

(a) that is declared by the Authority to be a telecommunication licensee subject to this Part; or

(b) that is within a class of telecommunication licensees declared by the Authority to be a class of telecommunication licensees subject to this Part,

and the declaration must be notified in the *Gazette*;

“dispute resolution scheme” means a dispute resolution scheme established or approved by the Authority under section 51(1);

“subscriber” means an end user that subscribes to a telecommunication service from a telecommunication licensee.

[32M
[30/2016]

Power of Authority in relation to dispute resolution scheme

51.—(1) The Authority may establish or approve one or more dispute resolution schemes for the resolution of disputes between subscribers and declared telecommunication licensees, arising from or relating to the provision of telecommunication services by the declared telecommunication licensees to the subscribers.

[30/2016]

(2) Every declared telecommunication licensee must participate in a dispute resolution scheme and must comply with such terms and conditions of participation in the scheme as may be prescribed.

[30/2016]

(3) To avoid doubt, this Part does not affect the operation of the Consumer Protection (Fair Trading) Act 2003.

[32N

[30/2016]

Operator of dispute resolution scheme

52. The Authority may, with the approval of the Minister, make regulations under section 97 to provide for matters relating to the operations of an operator of a dispute resolution scheme, including —

- (a) the standards or requirements of the services provided under the dispute resolution scheme;
- (b) the fees that the operator may charge for the services provided under the dispute resolution scheme;
- (c) the records that the operator must keep and the period of retention of such records;
- (d) the reports that the operator must submit to the Authority, and the manner and time for such submission;
- (e) matters relating to the administration of the dispute resolution scheme; and
- (f) generally to give effect to or for carrying out the purposes of this Part.

[32O

[30/2016]

PART 6

OFFENCES AND PENALTIES

Unlawful operation of telecommunication system or service

53.—(1) Subject to this section and section 4, any person who establishes, installs, maintains, provides or operates a telecommunication system or service within Singapore without a

licence granted under section 5, or during the suspension of the person's licence under section 10 or otherwise infringes the privilege conferred upon the Authority by section 3 shall be guilty of an offence.

[30/2016]

(2) Any person guilty of an offence under this section shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence continues after conviction.

(3) In the case of an offence in relation to a telecommunication system or service not extending beyond Singapore, the person or every person operating the system or service (or, if different people run different parts of the system or service, each of them) shall be guilty of an offence and shall be similarly liable.

(4) In the case of an offence in relation to a telecommunication system or service extending beyond Singapore, the person or every person operating that portion of such system or service within Singapore (or, if different people operate different parts of the system or service, each of them) shall be guilty of an offence and shall be similarly liable.

(5) Where the commission by any person of an offence under this section is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the firstmentioned person.

(6) In any proceedings for an offence under this section, it is, subject to subsection (7), a defence for the person charged to prove that the person took all reasonable steps and exercised all due diligence to avoid committing the offence.

(7) Where the defence provided by subsection (6) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged is not, without leave of the court, entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, the person charged has served

on the prosecutor a written notice giving such information identifying or assisting in the identification of that other person as was then in the possession of the person charged.

[33]

Prohibitions in respect of telecommunication and radio-communication equipment

54.—(1) A person must not —

- (a) offer for sale, sell or possess for sale any telecommunication equipment; or
- (b) possess any radio-communication equipment,

except and in accordance with a licence granted under section 5 or any regulations made under this Act.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence.

[34]

Penalty for unlicensed station

55.—(1) Any person who establishes, installs, maintains, provides or operates a radio-communication system or service or any radio-communication equipment in any place or on board any vessel, aircraft or in any vehicle in Singapore without a licence granted under section 5 or any regulations made under this Act shall be guilty of an offence.

(2) Any person who is in possession of any radio-communication equipment is deemed, until the contrary is proved, to have operated the same.

(3) The occupier of any dwelling house or premises in which is installed any radio-communication equipment in respect of which a licence is not in force shall be guilty of an offence.

(4) It is a defence in any proceedings for an offence under subsection (3) 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 radio-communication equipment.

[35]

Exemption from sections 53, 54 and 55

56. Subject to such conditions as the Authority may impose, sections 53, 54 and 55 do not apply to any person who has been issued with a licence for the installation or working of any telecommunication equipment under the provisions of any written law in force in any country which is a party to a treaty or any other arrangement to which Singapore is a party pursuant to which licences issued under the written laws in force in each country for the installation or working of any telecommunication equipment are recognised as having force in the other country.

[36]

Powers of search and seizure

57.—(1) Any police officer not below the rank of sergeant or any employee authorised by the Authority may, if he or she has reasonable grounds for believing that a telecommunication system or service has been established, installed, maintained, operated or provided in contravention of this Act or any regulations made under this Act or in breach of any licence granted by the Authority or that any telecommunication equipment used is of a type that is not approved by the Authority under section 11 or that the telecommunication equipment is imported in contravention of any of the provisions of this Act or any regulations made under this Act —

- (a) in the case of any telecommunication equipment or any telecommunication system or service, other than any radio-communication system or service, enter and inspect any place in which the telecommunication equipment is located or the telecommunication system or service is established, installed, maintained, operated or provided, and may seize any telecommunication system or equipment found therein which appears to be used for or in connection with telecommunications; and
- (b) in the case of any radio-communication system or service, enter any place in Singapore or stop or board any vessel, aircraft or vehicle and inspect any place therein and may seize any radio-communication system or equipment found therein which appears to be used or is capable of

being used for or in connection with radio-communications.

(2) Where any police officer not below the rank of sergeant or any employee authorised by the Authority has reasonable grounds for believing that an offence has been or is being committed under section 53, 54, 55, 59 or 64, he or she may seize any telecommunication system or equipment or any radio-communication system or equipment, or any other thing used in the commission of the offence.

(3) If there is no prosecution with regard to any equipment or system seized under this section, the equipment or system is to be taken and deemed to be forfeited to the Authority unless a claim is made within 2 months after the date of seizure.

(4) Any person asserting that the person is the owner of the equipment or system may personally or by the person's authorised agent give written notice to the Authority that the person claims the same.

(5) On receipt of the notice, the Authority may direct that the equipment or system be released or may refer the matter to a Magistrate's Court or a District Court.

(6) The Magistrate's Court or the District Court may proceed to the examination of the matter and upon examination shall order that the equipment or system be forfeited or released.

[37

Sealing of telecommunication system or equipment, etc.

58.—(1) Where it appears to any police officer not below the rank of sergeant or any employee authorised by the Authority that it is not practicable to remove from where it is found any telecommunication system or equipment or any radio-communication system or equipment seized by him or her under section 57 by reason of its nature, size or amount, he or she may by any means seal the telecommunication system or equipment or the radio-communication system or equipment.

(2) Any person who, without lawful authority, breaks, tampers with or damages any seal referred to in subsection (1), or removes any telecommunication system or equipment or any radio-communication system or equipment which has been sealed under that subsection, or attempts to do so, shall be guilty of an offence.

[38]

Using unlawful telecommunication system or service

59. Any person who knowing or having reason to believe that a telecommunication system or service has been established, installed, maintained, operated or provided in contravention of this Act, whether or not such system or service is connected to or provided through a public telecommunication licensee's installation or plant, uses the system or service for communication or for performing any service incidental thereto or delivers any message for transmission by the system or service or accepts delivery of any message sent shall be guilty of an offence.

[39]

Obstruction of public telecommunication licensees

60.—(1) Any person who —

- (a) while in any premises used for the purposes of the business of a public telecommunication licensee, intentionally obstructs the course of business of the licensee concerned; or
- (b) assaults or intentionally obstructs or incites anyone to obstruct or impede an officer or employee of a public telecommunication licensee in the performance of his or her duties,

shall be guilty of an offence.

(2) A public telecommunication licensee may require any person guilty of an offence under subsection (1) to leave the premises used for the purposes of its business and, if any such offender who is so

required refuses or fails to comply with the requirement, he or she may be removed by an employee of the licensee.

[40]

Intentional damage to installation or plant used for telecommunications

61. Any person who intending —

- (a) to prevent or obstruct the transmission or delivery of any message;
- (b) to intercept or to acquaint himself or herself with the contents of any message; or
- (c) to commit mischief,

damages, removes, tampers with or touches any installation or plant (or any part of it) used for telecommunications belonging to a public telecommunication licensee or interferes with the radio-communication service or system of a public telecommunication licensee shall be guilty of an offence.

[41]

[10/2005]

Offences by officer, employee or agent of public telecommunication licensees

62.—(1) Any officer, employee or agent of a public telecommunication licensee who —

- (a) wilfully divulges, makes away with or alters any message or record of any message; or
- (b) except in obedience to an order under the hand of the Minister or the direction of a court, wilfully omits to transmit or intercepts or acquaints himself or herself with or detains any message (or part of it) or deliberately causes a call or connection to be disconnected or not to be connected,

shall be guilty of an offence.

[10/2005]

(2) Subsection (1)(b) does not apply to —

- (a) any act or thing done by an officer, employee or agent of a public telecommunication licensee for or in connection with the installation of a telecommunication line, equipment or the operation or maintenance of a telecommunication system; or
- (b) the tracing of the origin of any telephone call at the request of the subscriber of a telecommunication service.

[42]

Fraudulent use of telecommunication service

63. Any person who dishonestly uses or permits another person to use any telecommunication service provided by a telecommunication licensee with intent to avoid payment of any charge applicable to the provision of that service shall be guilty of an offence.

[43]

[10/2005]

Possession or supply of any thing for fraudulent purpose in connection with use of telecommunication service

64.—(1) Subsection (2) applies if a person has in the custody or under the control of the person any thing which may be used for the purpose of obtaining, or for a purpose connected with the obtaining of, a service to which section 63 applies.

(2) If the person intends —

- (a) to use the thing mentioned in subsection (1) —
 - (i) to obtain such a service dishonestly; or
 - (ii) for a purpose connected with the dishonest obtaining of such a service;
- (b) dishonestly to allow the thing to be used to obtain such a service; or
- (c) to allow the thing to be used for a purpose connected with the dishonest obtaining of such a service,

the person shall be guilty of an offence.

(3) Subsection (4) applies if a person supplies or offers to supply any thing which may be used for the purpose of obtaining, or for a purpose connected with the obtaining of, a service to which section 63 applies.

(4) If the person (called in this subsection the supplier) supplying or offering to supply the thing mentioned in subsection (3) knows or believes that the person to whom it is supplied or offered intends or intends if it is supplied to the person —

(a) to use the thing —

(i) to obtain such a service dishonestly; or

(ii) for a purpose connected with the dishonest obtaining of such a service;

(b) dishonestly to allow the thing to be used for a purpose connected with the dishonest obtaining of such a service; or

(c) to allow the thing to be used for a purpose connected with the dishonest obtaining of such a service,

the supplier shall be guilty of an offence.

(5) A person guilty of an offence under this section shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

[44

Fraudulent retention of messages

65. Any person who —

(a) fraudulently retains or wilfully divulges, makes away with or detains a message or record of a message which ought to have been delivered to some other person; or

(b) being required by a public telecommunication licensee to deliver up any such message or record of such message neglects or refuses to do so,

shall be guilty of an offence.

[46

[10/2005]

Protection of installation or plant used for telecommunications

66.—(1) A person must not, without the written approval of the Authority —

- (a) lay or carry any mains, pipes, conduits, circuits or wires in, along, through, across, over or under any street or place in a manner which is likely to interfere with or cause damage to any installation or plant used for telecommunications; or
- (b) affix any placard, advertisement, notice or other thing in or on, or paint, tar or in any way disfigure any installation or plant used for telecommunications.

(2) Any approval under subsection (1) may be refused by the Authority or granted by the Authority on such terms and conditions as it may determine.

(3) Where the commission by any person of an offence under subsection (1) is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the firstmentioned person.

(4) In any proceedings for an offence under subsection (1), it is, subject to subsection (5), a defence for the person charged to prove that the person took all reasonable steps and exercised all due diligence to avoid committing the offence.

(5) Where the defence provided by subsection (4) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged is not, without leave of the court, entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, the person charged has served on the prosecutor a written notice giving such information identifying or assisting in the identification of that other person as was then in the possession of the person charged.

(6) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall, in addition to the forfeiture of any equipment seized, be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to

a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[47]

Prohibition of false notice relating to public telecommunication licensees' installation or plant

67. Any person who, without the permission of a public telecommunication licensee, places or maintains in or on any house or place, belonging to or under the control of the person, any word, letter or mark which signifies or implies or may reasonably lead the public to believe that the house or place is part of a public telecommunication licensee's installation or plant shall be guilty of an offence.

[48]

Damage to telecommunication system licensees' installation or plant

68.—(1) Any person who wilfully removes, destroys or damages any installation or plant used for telecommunications shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) Despite subsection (1), any person who, in the course of carrying out any earthworks, damages or suffers to be damaged any cable of a telecommunication system belonging to or under the management or control of a telecommunication system licensee shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million or to imprisonment for a term not exceeding 5 years or to both.

(3) Where an offence under subsection (2) is committed by any person (called in this subsection the firstmentioned person) acting as the agent or employee of another person (called in this subsection the principal person), or being otherwise subject to the supervision or instructions of another person (also called in this subsection the principal person) for the purposes of any employment in the course of which the offence was committed, the principal person shall, without prejudice to the liability of the firstmentioned person, be liable under

that subsection in the same manner and to the same extent as if the principal person had personally committed the offence unless the principal person proves to the satisfaction of the court that the offence was committed without the principal person's consent or connivance or that it was not attributable to any neglect on the principal person's part.

(4) In any proceedings for an offence under subsection (2), it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(5) If in any proceedings for an offence under subsection (2) the defence involves acting on information supplied by a telecommunication system licensee or a licensed telecommunication cable detection worker, the person charged is not, without leave of the court, entitled to rely on that defence unless, within a period of 14 clear days before the hearing, the person has served on the prosecutor a written notice giving such information as was then in the person's possession identifying or assisting in the identification of the telecommunication system licensee or telecommunication cable detection worker.

[49

Compensation for damage caused to public telecommunication licensees' installation or plant

69.—(1) Any person who removes, destroys or damages, whether wilfully, negligently, accidentally or otherwise, the installation or plant used for telecommunications is, in addition to any penalty for which the person is liable for an offence under this Act, liable to pay compensation for the damage the person has done and the compensation is recoverable by civil action or suit before any court of competent jurisdiction.

(2) Subject to subsection (1), any court before which a person is charged with an offence under this Act may assess the compensation payable under this section and may make an order for the payment of the same.

(3) Any order under subsection (2) may be enforced as if it were a judgment in a civil action or suit.

[50]

Penalty for removing any mark denoting used device for telephony purposes

70.—(1) Any person who, with fraudulent intent, erases or removes from any device, any mark put or impressed upon the device denoting that the same has been used, or sells or uses any such device shall be guilty of an offence.

[10/2005]

(2) In this section, “device” means any device provided for use by a public telecommunication licensee for accessing any telecommunication equipment of the licensee to enable the telecommunication service of the licensee to be used.

[51]

Failure to disconnect equipment not approved under section 11

71. Where —

- (a) any person has under the person’s control a telecommunication system or equipment connected to the telecommunication system or equipment of a telecommunication system licensee which is of a type not approved by the Authority under section 11;
- (b) the Authority has given to the person a written notice stating that —
 - (i) the telecommunication system or equipment under the person’s control is of a type that has not been approved by the Authority under section 11; and
 - (ii) the person must disconnect the telecommunication system or equipment from the telecommunication system or equipment of the telecommunication system licensee within such period as specified in the notice; and

- (c) the person has failed to comply with any written notice under paragraph (b),

then the person shall be guilty of an offence.

[52

PART 7

INTERNATIONAL OBLIGATIONS AND NATIONAL INTERESTS

Right to conduct international business dealings

72. For the purposes of the conduct of any international telecommunication service by a public telecommunication licensee, and subject to this Act, the licensee may enter into direct communication, arrangement and agreement with the lawfully constituted telecommunication authority of any country or with any duly authorised international agency or organisation concerned with telecommunication matters —

- (a) for the purpose of providing facilities, fixing rates, arranging terms of payment or accounting;
- (b) for operational, engineering or administrative purposes; or
- (c) for any other purpose necessary for the proper fulfilment of its functions.

[53

Government's overriding international rights

73.—(1) Nothing in section 72 is deemed to abrogate the right of the Government at any time to determine its relations with any country or with any international agency or organisation.

(2) A public telecommunication licensee must so discharge its responsibilities and conduct its business as to comply with and fulfil all international agreements, conventions or undertakings relating to telecommunication to which Singapore is a party.

[54

Liability for international financial obligations

74. A public telecommunication licensee is fully responsible for meeting all financial obligations arising from the operation of any international telecommunication service and must settle accounts with other telecommunication authorities.

[55]

Contribution by Government

75. Where the Government considers it necessary that any telecommunication service of an exceptional nature should be provided, and where a public telecommunication licensee considers it uneconomic to provide the service without contribution from the Government, the Government may make such contribution towards the capital outlay necessary to provide any such service as may be estimated by the licensee and agreed to by the Government.

[56]

Provision to Government of telecommunication services, etc.

76.—(1) The Minister may direct a public telecommunication licensee to undertake and provide such telecommunication services and facilities as may be necessary for aeronautical, maritime, meteorological, governmental, defence or other purposes.

(2) Upon being so directed by the Minister, the public telecommunication licensee must provide the telecommunication services or facilities mentioned in subsection (1), and is entitled to fair and proper payment for that.

[57]

Directions by Minister

77.—(1) The Minister may, after consultation with the Authority or any telecommunication licensee, give to the Authority or licensee (as the case may be) such directions as the Minister thinks fit as to the exercise by the Authority or that licensee of its functions under this Act.

[10/2005]

(2) Without affecting subsection (1), if it appears to the Minister to be requisite or expedient to do so —

- (a) on the occurrence of any public emergency, in the public interest or in the interests of public security, national defence, or relations with the government of another country; or
- (b) in order —
 - (i) to discharge or facilitate the discharge of an obligation binding on the Government by virtue of its being a member of an international organisation or a party to an international agreement;
 - (ii) to attain or facilitate the attainment of any other object the attainment of which is in the opinion of the Minister requisite or expedient in view of the Government being a member of an international organisation or a party to an international agreement; or
 - (iii) to enable the Government to become a member of an international organisation or a party to an international agreement,

the Minister may, after consultation with the Authority or any telecommunication licensee, give such directions to the Authority or that licensee as are necessary in the circumstances of the case.

[10/2005]

- (3) Any direction given under subsection (1) or (2) may include —
 - (a) provisions for the prohibition or regulation of such use of telecommunications in all cases or of such cases as may be considered necessary;
 - (b) provisions for the taking of, the control of or the usage for official purposes of, all or any such telecommunication system and equipment; and
 - (c) provisions for the stopping, delaying and censoring of messages and the carrying out of any other purposes which the Minister thinks necessary.

(4) Any direction given under subsection (3) does not apply to the use of any telecommunications for the purpose of making or answering signals of distress.

(5) The Authority and any telecommunication licensee (as the case may be) must give effect to any direction given to it under subsection (1) or (2) despite any other duty imposed on the Authority or the licensee by or under this Act.

[10/2005]

(6) Any telecommunication licensee who contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding the higher of the following amounts:

(i) 10% of the annual turnover of that part of its business in respect of which it is granted the licence, as ascertained from its latest audited accounts; or

(ii) \$1 million; and

(b) in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

[19/2011]

(7) The Authority and any telecommunication licensee must not disclose any direction given to it under subsection (1) or (2) if the Minister notifies the Authority or telecommunication licensee (as the case may be) that the Minister is of the opinion that the disclosure of the directions is against the public interest.

[10/2005]

(8) The Minister may —

(a) pay compensation for any damage caused to a telecommunication licensee by reason of its compliance with the directions of the Minister under subsection (3)(b); or

(b) make grants to telecommunication licensees for defraying or contributing towards any losses which they may sustain

by reason of their compliance with the directions of the Minister under any other provision of this section.

[10/2005]

(9) Any sums required by the Minister for paying compensation or making grants under subsection (8) must be paid out of the Consolidated Fund.

(10) If any doubt arises as to the existence of a public emergency or as to whether any act done under this section was in the public interest or in the interests of public security, national defence or relations with the government of another country, a certificate signed by the Minister is conclusive evidence of the matters stated in the certificate.

(11) This section does not authorise the Minister to give any directions when an activation order (within the meaning of the Public Order and Safety (Special Powers) Act 2018) is in force, and for any of the purposes for which a direction under section 32 of that Act is or may be given.

[58

[26/2018]

PART 8

ENFORCEMENT POWERS AND PROCEDURES

Power to require information, etc.

78.—(1) The Authority or any officer authorised by the Authority in that behalf (called in this section the authorised officer) may, for the purposes of conducting an investigation or for discharging the Authority's functions under this Act, by order require any person to produce to the Authority any document, or to provide the Authority with any information, which the Authority considers to be related to any matter relevant to the investigation or for discharging its functions under this Act.

[10/2005]

(2) The Authority or the authorised officer is entitled without payment to keep any copy or extract of any document furnished to the Authority or the authorised officer under subsection (1).

[10/2005]

(3) The Authority or the authorised officer has, at all reasonable times in the day, full and free access to all buildings, places, books, documents and other papers for the purpose of conducting an investigation or discharging functions of the Authority under this Act, and may, without payment, inspect, copy or make extracts from any such books, documents or papers.

[10/2005]

(4) The Authority may take possession of any equipment, books, documents or papers where in its opinion —

- (a) the equipment, books, documents or papers may be interfered with or destroyed unless possession is taken; or
- (b) the equipment, books, documents or papers may be required as evidence in proceedings for an offence under this Act or any regulations made under this Act.

(5) The rights conferred by this section include, in relation to information recorded otherwise than in legible form, the right to require the information to be made available in legible form for inspection or for a copy or extract to be made of or from it.

(6) The power under this section to require a person to produce a document includes the power —

- (a) if the document is produced, to require such person, or any person who is a present or past officer of the person or is or was at any time employed by the person, to provide an explanation of the document; or
- (b) if the document is not produced, to require such person to state, to the best of the person's knowledge and belief, where it is.

[10/2005]

(7) Any person who —

- (a) fails to comply with any requirement specified in any order under subsection (1);
- (b) intentionally alters, suppresses or destroys any document or information which the person has been required by any order under subsection (1) to produce or provide; or

- (c) in furnishing any information required of the person under any order under subsection (1), makes any statement which the person knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

shall be guilty of an offence.

[10/2005]

(8) If a person is charged with an offence under subsection (7) in respect of a requirement to produce any document or provide any information under subsection (1), it is a defence for the person to prove that —

- (a) the document was not in the possession or under the control of the person;
- (b) it was not reasonably practicable for the person to comply with the requirement; or
- (c) the person had a reasonable excuse for failing to provide the information required.

[10/2005]

(9) A person is not obliged under this section to disclose any particulars as to which the person is under any statutory obligation to observe secrecy.

(10) In this section and sections 81 and 83 —

“document” includes any electronic record;

“electronic record” has the meaning given by the Electronic Transactions Act 2010.

[59

[10/2005]

Power to examine, etc.

79.—(1) An officer of the Authority who is authorised by the Authority for the purpose of this section (called in this section the authorised officer) may, for the purposes of investigating an offence under this Act, do all or any of the following:

- (a) require any person whom the authorised officer reasonably believes to have committed that offence to furnish evidence of that person's identity;
- (b) require, by written notice, any person within the limits of Singapore, who appears to be acquainted with the facts or circumstances of the matter to attend before the authorised officer;
- (c) examine orally any person who appears to be acquainted with the facts or circumstances of the matter —
 - (i) whether before or after that person or anyone else is charged with an offence in connection with the matter; or
 - (ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter.

[22/2016]

(2) A person examined under subsection (1)(c) is bound to state truly what the person knows of the facts and circumstances of the matter, except that the person need not say anything that might expose the person to a criminal charge or punishment.

[22/2016]

(3) A statement made by a person examined under subsection (1)(c) must —

- (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and
- (d) after correction (if necessary), be signed by the person.

[22/2016]

(4) Any person who —

- (a) without reasonable excuse, fails to furnish the information required of that person under subsection (1)(a);
- (b) without reasonable excuse, fails to comply with a notice issued to that person under subsection (1)(b); or

(c) furnishes any information or makes any statement under this section which the person knows to be false or misleading in any material particular,
shall be guilty of an offence.

[59A
[22/2016]

Powers of arrest and search in respect of seizable offences

80.—(1) The Chief Executive or any employee of the Authority deputed by the Chief Executive to act under this section or any police officer may arrest without warrant —

- (a) any person found committing or attempting to commit or employing or aiding any person to commit a seizable offence under this Act; or
- (b) any person against whom a reasonable suspicion exists that the person has been guilty of a seizable offence under this Act,

and may search any person so arrested, except that a woman must not be searched except by a woman.

(2) Every person so arrested must, together with any article as to which an offence may have been committed or attempted to be committed, be taken to a police station.

(3) For the purposes of this section, offences punishable under sections 53, 61, 62, 63, 64, 65, 68 and 71 are deemed to be seizable offences within the meaning of the Criminal Procedure Code 2010.

[60
[15/2019]

Powers of search and arrest in respect of offences under section 53 or 64

81.—(1) Whenever it appears to any police officer or the Chief Executive or any employee of the Authority authorised to act for the Chief Executive under this section that an offence under section 53 or 64 is being committed or is about to be committed or attempted, or that any article is concealed or deposited or contained in or on any vessel, aircraft, vehicle or premises in contravention of either of those

sections, the police officer or the Chief Executive or the employee of the Authority may, if he or she has reasonable grounds for believing that by reason of the delay in obtaining a search warrant the article is likely to be removed —

- (a) stop and examine the vessel, aircraft or vehicle or enter the premises and there search for and take possession of any article and of any book or document which is reasonably believed to have a bearing on the case; and
- (b) arrest any person being in the vessel, aircraft, vehicle or premises in whose possession the article may be found or whom the police officer or the Chief Executive or the employee of the Authority may reasonably suspect to have concealed or deposited the article and may search any person so arrested, except that a woman must not be searched except by a woman.

(2) Every person so arrested must, together with any such article, be taken to a police station.

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Obstruction of police officer or Chief Executive or employee of Authority

82. Any person who intentionally obstructs a police officer or the Chief Executive or any employee of the Authority authorised to act for the Chief Executive in the execution of his or her duty under section 57 or 81 shall be guilty of an offence.

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No costs or damages or other relief arising from seizure to be recoverable unless seizure without reasonable or probable cause

83. In any proceedings before any court in respect of any equipment, article, book or document seized in the exercise or the purported exercise of any power conferred under this Act, a person is not entitled to the costs of the proceedings or to any damages or other relief other than an order for the return of the equipment, article, book

or document or the payment of their value unless the seizure was made without reasonable or probable cause.

[63]

Composition of offences

84.—(1) Any police officer not below the rank of sergeant specially authorised by name in that behalf by the Minister, or any employee of the Authority specially authorised by name in that behalf by the Chief Executive, may compound any offence under this Act or any regulations made under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$5,000.

[10/2005]

(2) The Authority may, with the approval of the Minister, make regulations prescribing the offences that may be compounded.

[64]

General penalties

85. Any person guilty of an offence under this Act or any regulations made under this Act 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 \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[65]

[10/2005]

Saving of prosecutions under other written laws

86.—(1) This Act does not 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 under this Act, or from being liable under that other written law to any punishment or penalty higher or other than that provided by this Act or the regulations.

(2) A person must not be punished twice for the same offence.

[66

Jurisdiction of Courts

87. A Magistrate's Court or a District Court has jurisdiction to hear and determine all offences under this Act and, despite anything to the contrary in the Criminal Procedure Code 2010, has power to impose the full penalty or punishment in respect of any offence under this Act.

[67

Offences by bodies of persons

88. Where an offence under this Act or any regulations made under this Act has been committed by a company, firm, society or other body of persons, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in such capacity shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he or she proves that —

- (a) the offence was committed without his or her consent or connivance; and
- (b) he or she exercised all such diligence to prevent the commission of the offence as he or she ought to have exercised, having regard to the nature of his or her functions in that capacity and to all the circumstances.

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PART 9

GENERAL PROVISIONS

Reconsideration by Authority and appeal to Minister

89.—(1) Any telecommunication licensee aggrieved by —

- (a) any decision of the Authority in the exercise of any discretion vested in it by or under this Act; or

(b) anything contained in any code of practice or standard of performance or in any direction of the Authority given under section 25, 26(2), 31, 40(2), 41(2), 42(1) or 43(3), may, within 14 days of the receipt of the decision or direction of the Authority or the issue or approval of the code of practice or standard of performance, as the case may be —

(c) make a request to the Authority to reconsider the matter; or

(d) appeal to the Minister.

[10/2005; 19/2011; 30/2016]

(2) Any person (other than a telecommunication licensee) who is aggrieved by —

(a) any decision of the Authority under section 5(1), 6, 7(1), 10(1), 17, 23(6), (7) or (12), 27 or 38; or

(b) anything contained in any code of practice issued under section 23 or under section 30 read with section 39 or in any direction of the Authority given under section 25, 26(2), 40(2), 41(2), 42(1) or (2),

may, within 14 days after the receipt of the decision or direction of the Authority or the issue of the code of practice, as the case may be —

(c) make a request to the Authority to reconsider the matter; or

(d) appeal to the Minister.

[19/2011; 30/2016]

(3) A person must not make both a reconsideration request to the Authority and an appeal to the Minister in respect of the same decision or direction of the Authority or thing contained in a code of practice or standard of performance.

[10/2005; 19/2011]

(4) Where a reconsideration request and an appeal have been made in contravention of subsection (3), the appeal is deemed to be withdrawn.

[10/2005]

(5) Where —

(a) a reconsideration request has been made to the Authority by any person; and

- (b) an appeal in respect of the same decision or direction of the Authority or thing contained in a code of practice or standard of performance is made or has been made to the Minister by any other person,

the appeal to the Minister is deemed to be withdrawn.

[10/2005; 19/2011]

(6) The Authority may determine any reconsideration request under this section by confirming, varying or reversing any decision or direction or by amending any code of practice or standard of performance.

[10/2005]

(7) Any telecommunication licensee or any person mentioned in subsection (2) (as the case may be) who is aggrieved by any decision of the Authority under subsection (6) may appeal to the Minister within 14 days after the receipt of the decision.

[10/2005]

(8) Any person who makes an appeal to the Minister under subsection (1), (2) or (7) must within the period specified in that subsection —

- (a) state as concisely as possible the circumstances under which the appeal arises, and the issues and grounds for the appeal; and
- (b) submit to the Minister all relevant facts, evidence and arguments for or against the appeal, as the case may be.

[10/2005]

(9) The Minister may reject any appeal of an appellant who fails to comply with subsection (8) or (10).

[10/2005]

(10) Where an appeal has been made to the Minister under subsection (1), (2) or (7), the Minister may require any person to whom subsection (11) applies to provide the Minister with all such information as the Minister may require for the purpose of considering the appeal and making a determination for resolving it.

[10/2005]

(11) Subsection (10) applies to —

- (a) any party to the appeal; and

- (b) any person who is not a party to the appeal but appears to the Minister to have information that is relevant to the matters mentioned in that subsection.

[10/2005]

(12) Any person required to provide information under subsection (10) must provide it in such manner and within such period as may be specified by the Minister.

[10/2005]

(13) The Minister may determine an appeal under this section by confirming, varying or reversing any decision or direction of the Authority or by amending any code of practice or standard of performance.

[10/2005]

(14) Any decision of the Minister under subsection (13) is final.

[10/2005]

(15) Unless otherwise provided, where a reconsideration request or an appeal is made under this section, the decision, direction or other matter which requires reconsideration by the Authority or which is appealed against must be complied with until the determination of the reconsideration request or the appeal, as the case may be.

[10/2005]

(16) The Minister may make regulations in respect of the manner in which an appeal may be made to the Minister under subsection (1), (2) or (7) and the procedure to be adopted in hearing such appeals.

[69

[10/2005]

Interest on sums unpaid

90. If any sum required to be paid by a telecommunication licensee or a person granted a spectrum right under this Act or any code of practice or regulation made under this Act is not paid when it is required to be paid, that licensee or person is liable to pay the Authority the prescribed interest on such unpaid sums for the period such sums remain unpaid.

[69A

[10/2005]

Power of Minister to issue written order relating to acquisition of assets, etc., of telecommunication licensee, designated business trust or designated trust

91.—(1) The Minister may issue a written order to any person that acquires the assets or business of, or equity interests in, a telecommunication licensee, designated business trust or designated trust (called in this section the relevant person), that telecommunication licensee, the trustee-manager of that designated business trust or the trustee of that designated trust (as the case may be), or both the relevant person and that telecommunication licensee, trustee-manager or trustee (as the case may be), if the Minister is satisfied that —

- (a) the relevant person is not a fit and proper person; and
- (b) it is not in the national interest to allow the relevant person to continue to own the assets or business of, or to hold the equity interests in, that telecommunication licensee, designated business trust or designated trust (as the case may be).

[19/2011]

(2) The Minister may, in any written order issued under subsection (1), direct the relevant person, that telecommunication licensee, the trustee-manager of that designated business trust or the trustee of that designated trust (as the case may be), or both the relevant person and that telecommunication licensee, trustee-manager or trustee (as the case may be), to do all or any of the following:

- (a) direct the transfer or disposal of all of the assets, business and equity interests acquired by the relevant person in that telecommunication licensee, designated business trust or designated trust (as the case may be) within such time and subject to such conditions as the Minister considers appropriate;
- (b) restrict the transfer or disposal of the assets, business and equity interests in that telecommunication licensee, designated business trust or designated trust (as the case may be) by the relevant person;

- (c) restrict the exercise of voting power in that telecommunication licensee, designated business trust or designated trust (as the case may be) by the relevant person;
- (d) require that no payment be made by that telecommunication licensee, the trustee-manager of that designated business trust or the trustee of that designated trust (as the case may be) of any amount (whether by way of dividends, profits, income or otherwise) in respect of the equity interests acquired by the relevant person;
- (e) restrict the issuance or offer of equity interests (whether by way of rights, bonus or otherwise) by that telecommunication licensee, the trustee-manager of that designated business trust or the trustee of that designated trust (as the case may be) in respect of the equity interests acquired by the relevant person.

[19/2011]

(3) In the case of any written order made under subsection (2)(a) or (b) relating to the equity interests, until a transfer or disposal is effected in accordance with the written order or until the restriction on the transfer or disposal is removed (as the case may be), despite the provisions of any written law or anything contained in the memorandum or articles of association, trust deed or other constitution, of that telecommunication licensee, designated business trust or designated trust (as the case may be) —

- (a) voting rights are not exercisable in respect of the equity interests, unless the Minister expressly permits such rights to be exercised;
- (b) no equity interests of that telecommunication licensee, designated business trust or designated trust (as the case may be) are to be issued or offered (whether by way of rights, bonus or otherwise) in respect of the equity interests, unless the Authority expressly permits such issue or offer; and

- (c) except in a liquidation of that telecommunication licensee, designated business trust or designated trust (as the case may be), no payment is to be made by that telecommunication licensee, the trustee-manager of that designated business trust or the trustee of that designated trust (as the case may be) of any amount (whether by way of dividends, profits, income or otherwise) in respect of the equity interests unless the Minister expressly authorises such payment.

[19/2011]

(4) Before issuing the written order under subsection (1), the Minister must, unless the Minister decides that it is not practicable or desirable to do so, cause to be given to the relevant person and the telecommunication licensee, designated business trust or designated trust (as the case may be) written notice of the Minister's intention to issue the written order, specifying the date by which written representations may be made to the Minister with regard to the written order.

[10/2005; 19/2011]

(5) Upon receipt of any written representation, the Minister must consider it for the purpose of determining whether to issue the written order.

[10/2005]

(6) The Minister may vary or revoke any written order issued under this section.

[10/2005]

(7) Any person to whom a written order is issued under subsection (1) must comply with the written order, and the written order takes effect despite the provisions of any other written law and anything contained in the memorandum or articles of association, trust deed or other constitution, of the telecommunication licensee, designated business trust or designated trust (as the case may be).

[19/2011]

(8) Any person who contravenes subsection (7) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$125,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$12,500 for every day or part of a day during which the offence continues after conviction; or
- (b) in any other case, to a fine not exceeding \$250,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for every day or part of a day during which the offence continues after conviction.

[10/2005]

(9) In this section —

“designated business trust” and “designated trust” have the meanings given by section 37(1);

“equity interest” means —

- (a) in relation to a telecommunication licensee, a voting share in that telecommunication licensee;
- (b) in relation to a designated business trust, a unit in that designated business trust; or
- (c) in relation to a designated trust, any right or interest, whether legal or equitable, in that designated trust which gives the holder of that right or interest voting power in that designated trust.

[69B

[19/2011]

Power of Minister to issue separation order

92.—(1) The Minister may issue a written order (called in this section the separation order) to any telecommunication licensee (called in this section the relevant telecommunication licensee), if —

- (a) either of the following applies:
 - (i) the relevant telecommunication licensee is licensed to operate a telecommunication system, or any installation or plant used for telecommunications, that is so costly or difficult to replicate that a

- requirement to do so would create a significant barrier to rapid and successful entry into the market for telecommunication services in Singapore by an efficient competitor of the relevant telecommunication licensee;
- (ii) the relevant telecommunication licensee has the ability to exercise significant market power in any market for telecommunication services in Singapore, and both of the following apply:
 - (A) the telecommunication services provided by the relevant telecommunication licensee in that market (called in this subsection the relevant telecommunication services) are required by other telecommunication licensees for the provision of telecommunication services in Singapore on a competitive basis;
 - (B) it is so costly or difficult to provide the relevant telecommunication services that a requirement to do so would create a significant barrier to the provision of telecommunication services in Singapore on a competitive basis by an efficient competitor of the relevant telecommunication licensee;
 - (b) the Minister is satisfied that the actions that the Authority has taken in the exercise of its powers under this Act have failed, and that any other actions that the Authority may take in the exercise of those powers are likely to fail, to enable an efficient competitor of the relevant telecommunication licensee to achieve —
 - (i) where paragraph (a)(i) applies, rapid and successful entry into the market for telecommunication services in Singapore; or
 - (ii) where paragraph (a)(ii) applies, the provision of telecommunication services in Singapore on a competitive basis; and

- (c) the Minister is satisfied that it is in the public interest to issue the separation order.

[19/2011]

(2) In deciding whether it is in the public interest to issue the separation order, the Minister must have regard to whether the issue of the separation order is necessary or desirable for one or more of the following purposes:

- (a) to promote and maintain fair and efficient market conduct and effective competition between persons engaged in commercial activities connected with telecommunication systems and services in Singapore;
- (b) to promote the efficiency and international competitiveness of the telecommunication industry in Singapore;
- (c) to eliminate or reduce barriers to competition arising from the control of any telecommunication system, or the possession of significant market power, by the relevant telecommunication licensee;
- (d) to promote transparency, non-discrimination and equivalence of supply in relation to the provision of telecommunication services in Singapore.

[19/2011; 22/2016]

(3) The separation order may —

- (a) direct the relevant telecommunication licensee to transfer to a separate entity or an independent entity either or both of the following:
 - (i) the whole or any part of any business of the relevant telecommunication licensee that is conducted pursuant to a telecommunication licence granted under section 5;
 - (ii) the whole or any part of any property of the relevant telecommunication licensee that is used by it to provide any telecommunication services, and any rights, obligations and liabilities relating to that property;

- (b) for the purposes of paragraph (a), direct the relevant telecommunication licensee —
- (i) to establish a separate entity; and
 - (ii) to ensure that the separate entity applies for a licence under section 5; and
- (c) contain such other directions as the Minister considers appropriate, including (but not limited to) directions relating to all or any of the following matters:
- (i) the types of transactions, dealings, arrangements and relationships that the relevant telecommunication licensee may engage in, or is prohibited from engaging in, with the separate entity or independent entity;
 - (ii) the measures to be implemented to ensure that the relevant telecommunication licensee will not obtain effective control over the independent entity;
 - (iii) any future or contingent right or liability of the relevant telecommunication licensee;
 - (iv) the conditions of the transfer directed under paragraph (a);
 - (v) any incidental, consequential or supplementary matters which, in the Minister's opinion, are necessary to ensure that the transfer directed under paragraph (a) is effective.

[19/2011]

(4) In determining the directions to be included in the separation order, the Minister must have regard to whether the directions are proportionate, taking into account —

- (a) the contestability of the relevant market for telecommunication services in Singapore; and
- (b) the effectiveness of the directions in eliminating or minimising any incentive or opportunity for the relevant telecommunication licensee to act in a manner that

prevents, restricts or distorts competition in the relevant market for telecommunication services in Singapore.

[19/2011]

(5) A licence granted under section 5 to a separate entity established by a relevant telecommunication licensee may include (without affecting the power to impose conditions conferred by that section) conditions requiring the separate entity —

- (a) to operate on a stand-alone basis;
- (b) to deal at arm's length with the relevant telecommunication licensee or any of its associates;
- (c) to provide to other telecommunication licensees any service on the same terms and conditions (including in relation to price, service levels and time frames), and by means of the same systems and processes (including operational support processes), as it provides to the relevant telecommunication licensee or any of its associates; and
- (d) to do, or to refrain from doing, such things as are specified in the licence, or as are of a description specified in the licence.

[19/2011]

(6) The separation order takes effect, despite —

- (a) the provisions of any other written law or any rule of law; and
- (b) the provisions of the memorandum or articles of association, or other constitution, of the relevant telecommunication licensee.

[19/2011]

(7) Despite any other written law or any rule of law, where the separation order contains a direction under subsection (3)(a), on the date appointed for the transfer of any business or property of the relevant telecommunication licensee to a transferee —

- (a) that business or property is transferred to, and vests in, the transferee without other or further assurance, act or deed,

and the separation order has effect according to its tenor and be binding on any person thereby affected;

- (b) every deed, bond, agreement or other arrangement subsisting immediately before that date which relates to that business or property, and to which the relevant telecommunication licensee is a party, continues in full force and effect, and is enforceable by or against the transferee, from that date, as if the transferee had been named in it or had been a party to it instead of the relevant telecommunication licensee; and
- (c) any proceedings or cause of action, by or against the relevant telecommunication licensee, pending or existing immediately before that date and relating to that business or property, if continued, is enforceable by or against, the transferee from that date.

[19/2011]

(8) Subject to subsection (11), the Minister may award compensation to the relevant telecommunication licensee for any damage caused to it by reason of its compliance with the separation order.

[19/2011]

(9) For the purposes of subsection (8), the Minister must, within 6 months after the making of the separation order, by notification in the *Gazette*, establish a scheme for determining the amount of any compensation payable to the relevant telecommunication licensee.

[19/2011]

(10) A scheme established under subsection (9) may provide for —

- (a) the manner in which any compensation or consideration is to be assessed, including methods of calculation, valuation dates and matters to be taken into account or disregarded when making valuations;
- (b) the assessment to be made by an independent valuer appointed by the Minister; and
- (c) the remuneration and expenses of the independent valuer.

[19/2011]

(11) No compensation is to be awarded under subsection (8) if, when issuing the separation order, the Minister was satisfied that the relevant telecommunication licensee had engaged in conduct that prevents, restricts or distorts competition in any market for telecommunication services in Singapore, through —

(a) its control of the telecommunication system, or the installation or plant used for telecommunications, mentioned in subsection (1)(a)(i); or

(b) the exercise of its market power mentioned in subsection (1)(a)(ii).

[19/2011]

(12) Any compensation awarded by the Minister under subsection (8) must be paid out of the Consolidated Fund.

[19/2011]

(13) Before issuing the separation order, the Minister must, unless the Minister decides that it is not practicable or desirable to do so, cause to be given to the relevant telecommunication licensee written notice of the Minister's intention to issue the separation order, specifying the date by which written representations may be made to the Minister with regard to the separation order.

[19/2011]

(14) Upon receipt of any written representation, the Minister must consider it for the purpose of determining whether to issue the separation order.

[19/2011]

(15) The Minister may at any time vary, suspend or revoke the whole or any part of the separation order.

[19/2011]

(16) The relevant telecommunication licensee and any person affected by the separation order must comply with the separation order.

[19/2011]

(17) Any person who contravenes subsection (16) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$125,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$12,500 for every day or part of a day during which the offence continues after conviction;
- (b) in the case of an entity which is granted a licence under section 5, to a fine not exceeding the higher of the following amounts:
 - (i) 10% of the annual turnover of that part of its business in respect of which it is granted the licence, as ascertained from its latest audited accounts; or
 - (ii) \$1 million,and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction; or
- (c) in any other case, to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

[19/2011]

(18) Subsections (4), (5)(a), (6), (7) and (8) of section 37 apply with the necessary modifications to this section as they apply to Part 5A.

[19/2011]

(19) In this section —

“30% controller”, in relation to a telecommunication licensee, means a person who, alone or together with the person’s associates —

- (a) holds 30% or more of the total number of voting shares in the telecommunication licensee; or
- (b) is in a position to control 30% or more of the voting power in the telecommunication licensee;

“broadcasting licensee” has the meaning given by section 2(1) of the Broadcasting Act 1994, but does not include a class licensee as defined in section 2(1) of that Act;

“business” includes any business affairs, property, right, obligation or liability;

“effective control”, in relation to a telecommunication licensee or an independent entity, means the ability to cause the telecommunication licensee or independent entity (as the case may be) to take, or to refrain from taking, a major decision regarding the management or operations of the telecommunication licensee or independent entity (as the case may be), and includes such control as may be exercised over the telecommunication licensee or independent entity (as the case may be) by a 30% controller of the telecommunication licensee or independent entity (as the case may be);

“independent entity” means an entity that —

- (a) whether alone or together with its associates, does not have effective control over any telecommunication licensee or broadcasting licensee; and
- (b) is not under the effective control of —
 - (i) any telecommunication licensee, whether alone or with its associates; or
 - (ii) any broadcasting licensee, whether alone or with its associates; or
- (c) is not under the effective control of any other entity which, whether alone or together with its associates, has effective control over any telecommunication licensee or broadcasting licensee;

“property” means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and includes —

- (a) any property, right or power of any description; and

(b) in relation to a telecommunication licensee, the telecommunication licensee's telecommunication system and installation or plant used for telecommunications;

“separate entity”, in relation to a telecommunication licensee, means an entity which is a separate legal entity from the telecommunication licensee, and includes any such entity the equity interests of which are wholly owned by the telecommunication licensee;

“significant market power” means the ability to unilaterally restrict output, raise prices, reduce quality or otherwise act, to a significant extent, independently of competitive market forces;

“voting share” has the meaning given by section 4(1) of the Companies Act 1967.

[69C
[19/2011]

Exclusion of liability of public telecommunication licensees

93. A public telecommunication licensee is not liable in respect of any injury, loss or damage suffered by any person by reason of —

- (a) any failure to provide or delay in providing any telecommunication services or any equipment associated therewith or service ancillary thereto;
- (b) any failure, interruption, suspension or restriction of any telecommunication service or service ancillary thereto or delay of, or fault in, any communication by means of telecommunications;
- (c) any error in, or omission of, any information transmitted through telecommunications; or

- (d) any loss of secrecy in communication arising from the use of any telecommunication service,

which is due to the act or default of another person, or an accident or some other cause beyond the public telecommunication licensee's control.

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Service of documents, etc.

94.—(1) Subject to subsection (6), any decision, notice, order or document required or authorised to be given by the Authority, or served by the Authority on any person, under this Act, or under any code of practice or standard of performance, may be served —

- (a) in the case of an individual —
- (i) by delivering the decision, notice, order or document to the individual personally;
 - (ii) by leaving the decision, notice, order or document with an adult person apparently resident at the usual or last known address of the place of residence of the individual;
 - (iii) by leaving the decision, notice, order or document with an adult person apparently employed at the usual or last known address of the place of business of the individual;
 - (iv) by affixing the decision, notice, order or document in a conspicuous place at the usual or last known address of the place of residence or business of the individual;
 - (v) by sending the decision, notice, order or document by prepaid registered post addressed to the individual at the usual or last known address of the place of residence or business of the individual;
 - (vi) by sending the decision, notice, order or document by fax transmission to the last fax transmission number of the individual given to the Authority by the individual; or

- (vii) by sending an electronic communication of the decision, notice, order or document to the last electronic mail address of the individual given to the Authority by the individual;
- (b) in the case of a partnership other than a limited liability partnership —
- (i) by delivering the decision, notice, order or document to any one of the partners or the secretary or other like officer of the partnership;
 - (ii) by leaving the decision, notice, order or document at, or by sending the decision, notice, order or document by prepaid registered post to, the principal or last known place of business of the partnership in Singapore;
 - (iii) by sending the decision, notice, order or document by fax transmission to the last fax transmission number of the partnership given to the Authority by the partnership; or
 - (iv) by sending an electronic communication of the decision, notice, order or document to the last electronic mail address of the partnership given to the Authority by the partnership; and
- (c) in the case of a limited liability partnership or any other body corporate —
- (i) by delivering the decision, notice, order or document to the manager of the limited liability partnership or the secretary or other like officer of the body corporate;
 - (ii) by leaving the decision, notice, order or document at, or by sending the decision, notice, order or document by prepaid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore;

- (iii) by sending the decision, notice, order or document by fax transmission to the last fax transmission number of the limited liability partnership or body corporate given to the Authority by the limited liability partnership or body corporate; or
- (iv) by sending an electronic communication of the decision, notice, order or document to the last electronic mail address of the limited liability partnership or body corporate given to the Authority by the limited liability partnership or body corporate.

[19/2011]

(2) Where any decision, notice, order or other document required or authorised to be given by the Authority, or served by the Authority on any person, under this Act is sent by prepaid registered post, the decision, notice, order or document is deemed to have been duly served on the person to whom it is addressed 2 days after the day it was posted, whether or not it is returned undelivered.

[19/2011]

(3) Where any decision, notice, order or other document required or authorised to be given by the Authority, or served by the Authority on any person, under this Act is sent by fax transmission to a fax transmission number in accordance with subsection (1), the decision, notice, order or document is deemed to have been duly served on the person to whom it is addressed on the day of the transmission, subject to the receipt on the sending fax machine of a notification (by electronic or other means) of a successful transmission to the fax machine for that fax transmission number.

[19/2011]

(4) Where any decision, notice, order or other document required or authorised to be given by the Authority, or served by the Authority on any person, under this Act is sent by electronic communication to an electronic mail address in accordance with subsection (1), the decision, notice, order or document is deemed to have been duly served on the person to whom it is addressed at the time the electronic communication enters the information system for that electronic mail address.

[19/2011]

(5) Service of any decision, notice, order or other document under this Act may be effected on a person by electronic communication only if the person gives as part of the person's address for service an electronic mail address.

[19/2011]

(6) This section does not apply to notices and documents to be served in proceedings in court.

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[19/2011]

Excluded matters

95. This Act does not apply to the licensing of any broadcasting service or any broadcasting apparatus under the Broadcasting Act 1994 except in respect of the regulation of any telecommunication system required for the operation of any broadcasting service or the approval of any broadcasting apparatus used in accordance with section 11.

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[10/2005]

Exemption by Minister

96. The Minister may exempt any person or class of persons from all or any of the provisions of this Act.

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Regulations

97.—(1) The Authority may, with the approval of the Minister, make regulations for any purpose for which regulations are required to be made under this Act and generally for carrying out the purposes and provisions of this Act.

(2) Without limiting subsection (1), the Authority may, with the approval of the Minister, make regulations for or with respect to all or any of the following matters:

- (a) the proficiency examinations, including the syllabi and the details of such examinations, for the certification of competency of individuals operating telecommunication services or for the grant of any licence by the Authority;

- (b) the classes and the conditions for the grant of licences and spectrum rights by the Authority;
- (c) in relation to cable detection work licences —
 - (i) the class or classes of licences to be granted, the form and duration of those licences, the terms and conditions upon, and the circumstances in, which those licences may be granted, held, suspended, cancelled, altered, extended, renewed or replaced and the fees payable in respect thereof;
 - (ii) the qualifications and other requirements for applicants for such licences, the examination or testing of such applicants, the fees payable in respect of such examination or testing and the circumstances in and conditions on which an applicant may be exempted from such examination or testing; and
 - (iii) the duties and responsibilities of licensed cable detection workers;
- (d) the control and regulation of dealing in and use of telecommunication equipment;
- (e) the control and regulation of interference by radiowaves or electrical or other means to telecommunications in Singapore;
- (f) the control and regulation of installation, wiring, cabling and other types of works to be carried out on the telecommunication systems of a telecommunication system licensee;
- (g) the control and regulation of the allocation and use of —
 - (i) telephone numbers; and
 - (ii) any other numbers used for or in connection with either or both of the following:
 - (A) the operation of telecommunication systems;
 - (B) the provision of telecommunication services;

- (h) the prescribing of anything that is required or permitted to be prescribed under this Act.

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[10/2005; 19/2011; 30/2016]

Saving and transitional provisions

98.—(1) Any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved by the TAS in relation to telecommunication matters under the repealed Act, so far as it is not inconsistent with the provisions of this Act and except as otherwise expressly provided in this Act or in any other written law, continues and is deemed to have been prepared, made, granted or approved by the Authority under the corresponding provisions of this Act.

(2) Any subsidiary legislation made under the repealed Act or any other written law relating to telecommunication matters and in force immediately before 1 December 1999, so far as it is not inconsistent with the provisions of this Act, continues in force as if made under this Act until it is revoked or repealed by subsidiary legislation made under this Act.

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LEGISLATIVE HISTORY

TELECOMMUNICATIONS ACT 1999

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 43 of 1999 — Telecommunications Act 1999

Bill	:	33/1999
First Reading	:	11 October 1999
Second Reading	:	23 November 1999
Notice of Amendments	:	23 November 1999
Third Reading	:	23 November 1999
Commencement	:	1 December 1999

Note: Previously in the Telecommunication Authority of Singapore Act (Chapter 323, 1993 Revised Edition).

2. 2000 Revised Edition — Telecommunications Act (Chapter 323)

Operation	:	30 December 2000
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3. Act 10 of 2005 — Telecommunications (Amendment) Act 2005

Bill	:	67/2004
First Reading	:	24 November 2004
Second and Third Readings	:	25 January 2005
Commencement	:	16 February 2005 (except sections 10 and 11)

4. Act 19 of 2011 — Telecommunications (Amendment) Act 2011

Bill	:	20/2011
First Reading	:	20 October 2011
Second and Third Readings	:	21 November 2011
Commencement	:	1 February 2012

5. Act 22 of 2016 — Info-communications Media Development Authority Act 2016

(Amendments made by section 100 of the above Act)

Bill	:	21/2016
First Reading	:	11 July 2016

Second and Third Readings : 16 August 2016
Commencement : 1 October 2016 (section 100)

6. Act 30 of 2016 — Telecommunications (Amendment) Act 2016

Bill : 30/2016
First Reading : 10 October 2016
Second and Third Readings : 10 November 2016
Commencement : 1 February 2017

7. Act 15 of 2017 — Companies (Amendment) Act 2017
(Amendments made by section 53(6) of the above Act)

Bill : 13/2017
First Reading : 28 February 2017
Second and Third Readings : 10 March 2017
Commencement : 23 May 2017 (section 53(6))

8. Act 26 of 2018 — Public Order and Safety (Special Powers) Act 2018
(Amendments made by section 61 of the above Act)

Bill : 11/2018
First Reading : 27 February 2018
Second Reading : 21 March 2018
Notice of Amendments : 21 March 2018
Third Reading : 21 March 2018
Commencement : 16 May 2018 (section 61)

9. Act 15 of 2019 — Criminal Law Reform Act 2019
(Amendments made by section 187 of the above Act)

Bill : 6/2019
First Reading : 11 February 2019
Second Reading : 6 May 2019
Notice of Amendments : 6 May 2019
Third Reading : 6 May 2019
Commencement : 1 January 2020 (section 187)

10. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018
(Amendments made by section 517 of the above Act)

Bill	:	32/2018
First Reading	:	10 September 2018
Second and Third Readings	:	1 October 2018
Commencement	:	30 July 2020 (section 517)

11. Act 4 of 2021 — Statute Law Reform Act 2021
(Amendments made by section 22(9) of the above Act)

Bill	:	45/2020
First Reading	:	3 November 2020
Second and Third Readings	:	5 January 2021
Commencement	:	1 March 2021 (section 22(9))

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
TELECOMMUNICATIONS ACT 1999

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2000 Ed.
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(5)	(3B)
(6)	(3C)
(7)	(4)
(8)	(5)
(9)	(6)
(10)	(7)
6	5A
(4)	(3A)
(5)	(3B)
(6)	(3C)
(7)	(3D)
(8)	(4)
(9)	(5)
(10)	(6)
(11)	(7)
(12)	(8)
(13)	(9)
7	5B
(4)	(3A)
(5)	(3B)
(6)	(3C)
(7)	(4)
(8)	(5)

2020 Ed.	2000 Ed.
(9)	(6)
8	6
9	7
—	(4) [<i>Deleted by Act 10 of 2005</i>]
(4)	(5)
(5)	(6)
10	8
—	(3) [<i>Deleted by Act 10 of 2005</i>]
(3)	(4)
(4)	(4A)
(7)	(6A)
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17	14
(9)	(8A)
(10)	(8B)
(11)	(8C)
(12)	(9)
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(7)	(6A)
(8)	(6B)
(9)	(6C)
(10)	(6D)
(11)	(6E)
(12)	(7)
(13)	(8)
(14)	(9)
(15)	(10)
(16)	(11)
(17)	(12)
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(2)	(1A)
(3)	(1B)
(4)	(1C)
(5)	(1D)
(6)	(1E)
(7)	(2)
(8)	(3)
(9)	(3A)
(10)	(3B)
(11)	(3C)
(12)	(3D)
(13)	(4)
(14)	(4A)

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(2)	(1A)
(3)	(2)
(4)	(2A)
(5)	(3)
—	(4) [<i>Deleted by Act 10 of 2005</i>]
(6)	(5)
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—	45 [<i>Repealed by Act 15 of 2019</i>]
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(6)	(5A)
(7)	(6)
(8)	(7)
(9)	(8)
(10)	(9)
(11)	(10)
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(6)	(5A)
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(8)	(6A)
(9)	(7)
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—	(3) [<i>Deleted by Act 22 of 2016</i>]
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