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The following Act was passed by Parliament on 26th August 1994 and assented to by the President on 14th September 1994:—

SINGAPORE BROADCASTING AUTHORITY ACT 1994

(No. 15 of 1994)

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REPUBLIC OF SINGAPORE

No. 15 of 1994.

I assent.



ONG TENG CHEONG

*President.**14th September 1994.*

An Act to establish the Singapore Broadcasting Authority, to regulate dealing in, the operation of and ownership in broadcasting services and broadcasting apparatus, to provide for the transfer of the property, rights and liabilities of the Singapore Broadcasting Corporation to successor companies and the Authority and for matters connected therewith, and to repeal the Singapore Broadcasting Corporation Act (Chapter 297 of the 1985 Revised Edition) and the Broadcasting and Television Act (Chapter 28 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Singapore Broadcasting Authority Act 1994 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“appointed day” means the date of commencement of this Act;

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

“broadcasting apparatus” means any apparatus capable of or designed or constructed for the reception of any broadcasting service and specified in the First Schedule;

“broadcasting apparatus licence” means a licence granted under section 32 in respect of broadcasting apparatus, and “broadcasting apparatus licensee” shall be construed accordingly;

“broadcasting licence” means a licence granted under section 20 or 21 for the broadcast of a licensable broadcasting service, and “broadcasting licensee” shall be construed accordingly;

“broadcasting service” means a service whereby signs or signals transmitted, whether or not encrypted, comprise —

(a) any programme capable of being received, or received and displayed, as visual images, whether moving or still;

(b) any sound programme for reception; or

(c) any programme, being a combination of both visual image (whether moving or still) and sound for reception or reception and display,

by persons having equipment appropriate for receiving, or receiving and displaying, as the case may be, that service, irrespective of the means of delivery of that service;

“broadcasting successor companies” has the meaning assigned to it in section 49;

“Chairman” means the Chairman of the Authority and includes any temporary Chairman of the Authority;

“Chief Executive” means the Chief Executive of the Authority and includes any temporary Chief Executive of the Authority;

“class licence” means a licence determined under section 21 to be applicable to certain licensable broadcasting services;

“Code of Practice” means a Code of Practice issued under this Act;

“Corporation” means the Singapore Broadcasting Corporation established under the Singapore Broadcasting Corporation Act (Cap. 297) in force immediately before the appointed day;

“debenture” includes debenture stock;

“Deputy Chairman” means the Deputy Chairman of the Authority and includes any temporary Deputy Chairman of the Authority;

“dwelling-house” includes a hotel, inn, boarding house or other similar establishment;

“encrypted” means treated electronically or otherwise for the purpose of preventing intelligible reception;

“free-to-air broadcasting service” means a licensable broadcasting service made available for reception in not less than two dwelling-houses by broadcasting apparatus commonly available to the public without payment of a subscription fee;

“free-to-air licence” means a broadcasting licence granted under this Act for the operation of a free-to-air broadcasting service, and “free-to-air licensee” shall be construed accordingly;

“licence” means a licence granted under any provision of this Act, and “licensee” shall be construed accordingly;

“licensable broadcasting service” means any broadcasting service specified in the Second Schedule;

“member” means a member of the Authority;

“programme”, in relation to a broadcasting service, means —

- (a) any matter the primary purpose of which is to entertain, educate or inform all or part of the public; or
- (b) any advertising or sponsorship matter, whether or not of a commercial kind,

but does not include any matter that is wholly related to or connected with any private communication, that is to say —

- (i) any communication between two or more persons that is of a private or domestic nature;
- (ii) any internal communication of a business, Government agency or other organisation for the purpose of the operation of the business, agency or organisation; and
- (iii) communications in such other circumstances as may be prescribed;

“regulations” means regulations made under this Act;

“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”, in relation to a company, means shares in, or stock forming part of, the capital of the company;

“subscription broadcasting service” means a licensable broadcasting service made available to the audience for whom it is intended only upon the payment of a subscription fee;

“subscription fee” means any form of consideration;

“subsidiary” has the same meaning as in the Companies Act (Cap. 50);

“Telecommunication Authority of Singapore” means the Telecommunication Authority of Singapore established under the Telecommunication Authority of Singapore Act (Cap. 323);

“transfer date” has the meaning assigned to it in section 49;

“undertaking” means all the land, buildings and other property, movable or immovable, vested in the Corporation immediately before the appointed day and all assets, powers, rights, interests, privileges, debts, liabilities and obligations connected therewith.

(2) For the purposes of this Act, unless the context otherwise requires, “part of the public” includes residents in a particular place, employees of any firm, company or organisation, occupiers of a particular building or part thereof and members of any profession, club or society.

(3) For the purposes of this Act, a company shall be regarded as wholly owned by the Government at any time when all the issued shares in the company are held by or on behalf of the Government.

PART II

ESTABLISHMENT AND CONSTITUTION OF SINGAPORE BROADCASTING AUTHORITY

Establishment of Singapore Broadcasting Authority

3. There is hereby established a body to be called the Singapore Broadcasting Authority which shall be a body corporate with perpetual succession, capable of suing and being sued in its corporate name and performing such other acts as bodies corporate may by law perform, and shall exercise and perform such other powers and functions as are conferred by or under this Act.

Common seal

4. The Authority shall have a common seal and the seal may, from time to time, be broken, changed, altered and made anew as the Authority thinks fit.

Constitution of Authority

5.—(1) The Authority shall consist of a Chairman, a Deputy Chairman and such other members, not being less than 3 and not more than 10, as the Minister may from time to time determine.

(2) The Third Schedule shall have effect with respect to the Authority.

PART III**FUNCTIONS, DUTIES AND POWERS OF AUTHORITY****Functions and duties of Authority**

- 6.—(1) The functions of the Authority shall be —
- (a) to exercise licensing and regulatory functions in respect of broadcasting services and broadcasting apparatus;
 - (b) to act internationally as the national authority or representative of Singapore in respect of matters relating to broadcasting;
 - (c) to encourage the development of broadcasting and related services;
 - (d) to re-assign, from electromagnetic spectrum and satellite orbits assigned to the Authority by the Telecommunication Authority of Singapore for the purpose of broadcasting, specific frequencies in such spectrum and satellite orbits to broadcasting licensees whose broadcasting services are to be transmitted on a frequency in such spectrum and satellite orbits; and
 - (e) to regulate the broadcast by broadcasting licensees of public service broadcasting obligations.

(2) The Authority shall have the following duties:

- (a) to regulate the broadcasting industry so as to achieve an adequate and comprehensive range of broadcasting services which serve the interests of the general public;
- (b) to ensure that the broadcasting services provided by licensees are maintained at a high general standard in all respects and, in particular, in respect of their content, with quality, proper balance and wide range in their subject-matter, having regard both to the broadcasting services as a whole and also to the days of the week on which, and the times of the day at which, such broadcasting services are broadcast; and
- (c) to ensure that nothing is included in any broadcasting service which is against public interest or order, national harmony or which offends against good taste or decency.

(3) Nothing in this section shall be construed as imposing on the Authority, directly or indirectly, any form of duty or liability enforceable by proceedings in any court.

Powers of Authority

7. The Authority shall, subject to the provisions of this Act, have power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its functions and duties under this Act, and, in particular, the Authority shall have the powers specified in the Fourth Schedule.

Directions by Minister

8.—(1) The Minister may, after consultation with a person to whom this section applies, give to that person such directions as he thinks fit as to the exercise by that person of its functions under this Act.

(2) Without prejudice to the generality of 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 such an organisation or a party to such an agreement; or
- (iii) to enable the Government to become a member of such an organisation or a party to such an agreement,

the Minister may, after consultation with a person to whom this section applies, give such directions to that person as are necessary in the circumstances of the case.

(3) Any directions given under subsection (1) or (2) may include provisions for —

- (a) the prohibition or regulation of any broadcasting service;
- (b) the taking of, the control of or the use for official purposes of, all or any system and equipment used in the provision of any broadcasting service; and
- (c) the stopping, delaying and censoring of messages and the carrying out of any other purposes which the Minister thinks necessary.

(4) A person to whom this section applies shall give immediate effect to any directions given to him under subsection (1) or (2) notwithstanding any other duty imposed on him by or under this Act.

(5) A person to whom this section applies shall not disclose any directions given to him under subsection (1) or (2) if the Minister notifies him that the Minister is of the opinion that the disclosure of the directions is against the public interest.

(6) The Minister may —

- (a) pay compensation for any damage caused to a licensee by reason of its compliance with the directions of the Minister under subsection (3)(b); or
- (b) make grants to 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 provisions of this section.

(7) Any sums required by the Minister for paying compensation or making grants under subsection (6) shall be paid out of the Consolidated Fund.

(8) This section shall apply to the Authority and to any person who is a licensee.

(9) 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 shall be conclusive evidence of the matters stated therein.

Chief Executive

9.—(1) The Authority shall, with the approval of the Minister, appoint a Chief Executive on such terms and conditions as the Authority may determine.

(2) The Chief Executive shall —

- (a) be known by such designation as the Authority may determine;
- (b) be responsible to the Authority for the proper administration and management of the Authority in accordance with the policy laid down by its members; and
- (c) not be removed from office without the consent of the Minister.

(3) If the Chief Executive is temporarily absent from Singapore or temporarily incapacitated by reason of illness or for any other reason temporarily unable to perform his duties, a person may be appointed

by the Authority to act in the place of the Chief Executive during such period of absence from duty.

(4) The Authority may from time to time appoint and employ on such terms and conditions as the Authority may determine such officers and employees as may be necessary for the effective performance of its functions.

Public servants

10. All members, officers and employees of the Authority shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

Protection from personal liability

11. No suit or other legal proceedings shall lie against any member, officer or employee of the Authority or other person acting under the direction of the Authority for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

Investment of funds

12. Money belonging to the Authority may be invested in such funds, securities or investments as may be authorised by the Minister.

Financial provisions

13. The financial provisions set out in the Fifth Schedule shall have effect with respect to the Authority.

Annual report

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

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

Symbol, design or representation of Authority

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

(2) Any person who uses a symbol, design or representation identical with that of the Authority, or which so resembles the Authority's symbol, design or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

Exclusion of liability of Authority for act or default of licensees

16. The Authority shall not be liable in respect of any injury, loss or damage suffered by any person by reason of any act, default, neglect or otherwise of any licensee or of any agent or employee of the licensee.

PART IV**LICENSING SCHEME****Power of Authority to grant licences**

17.—(1) The Authority may grant the following licences:

- (a) broadcasting licences; and
- (b) broadcasting apparatus licences.

(2) The Authority shall grant licences under subsection (1) in such categories as it may determine are appropriate for the regulation of the broadcasting industry.

Codes of Practice

18.—(1) The Authority may issue and from time to time review —

- (a) Codes of Practice relating to standards of programmes and advertisements broadcast by licensees; and

(b) Codes of Practice relating to broadcast standards required to be maintained by licensees.

(2) If any provision in any Code of Practice is inconsistent with any regulations, it shall, to the extent of the inconsistency, either have effect subject to such regulations or, where appropriate, having regard to such regulations, shall not have effect.

(3) The Authority may in any licence exempt any licensee from any provision in a Code of Practice generally or for such time as the Authority may specify.

Restriction on transfer of licences

19.—(1) No licence shall be transferable to any other person without the prior consent in writing of the Authority to the transfer to that person.

(2) Any purported transfer of any licence shall for all purposes be void and of no effect.

PART V

BROADCASTING SERVICES

Licensing of broadcasting services

20.—(1) No person shall provide any licensable broadcasting service in or from Singapore without a broadcasting licence granted by the Authority under this section.

(2) Every broadcasting licence granted by the Authority shall be in such form and for such period and may contain such terms and conditions as the Authority may determine.

(3) The Authority may require any licensee to pay a fee on the grant of the licence or such periodic fees during the currency of the licence or both of such amount as the Authority may determine by or under the licence.

(4) Without prejudice to the generality of subsection (2), conditions attached to a free-to-air licence may include —

- (a) a condition requiring the licensee to broadcast such programmes as the Authority may require and at such time, or within such period and on such broadcasting service as the Authority may specify;
- (b) a condition prohibiting or restricting, in a manner specified in the licence, the broadcasting by the licensee of advertising material which is of a class or description so specified;
- (c) the right of the Authority in the public interest to make modifications to any condition of the licence during the period to which the licence relates;
- (d) a condition requiring the licensee to provide a performance bond to secure compliance by the licensee with any condition attached to the licence;
- (e) broadcast requirements, including conditions relating to the assignment and use of frequencies, channel capacities and coverage;
- (f) a condition requiring the payment by the licensee of royalties, licence fees, spectrum utilisation fees and other fees and charges as may be prescribed;
- (g) a condition requiring the broadcasting of programmes in such language as may be specified, and the periods and duration of such broadcast; and
- (h) conditions imposing controls and restrictions, directly or indirectly, on the creation, holding or disposal of shares in the licensee or its shareholders or interests in the undertaking of the licensee or any part thereof.

Class licences

21.—(1) The Authority may, by notification published in the *Gazette*, determine a class licence, being a broadcasting licence, for the provision of such subscription broadcasting services and other licensable broadcasting services as the Authority may specify.

(2) The Authority may include in a class licence such conditions as it may think fit.

(3) Different conditions may be specified for —

- (a) different categories of licensable broadcasting services; and
- (b) different types of such services.

(4) Without limiting the conditions that may be imposed, the Authority may impose a condition on a class licence requiring the licensee to comply with a Code of Practice that is applicable to the licensee or designed to ensure that a breach of a condition of the class licence by the licensee does not recur.

Modification of broadcasting licence conditions

22.—(1) The Authority may modify the conditions of a broadcasting licence, other than a class licence, in accordance with this section.

(2) Before making any modification to the conditions of a broadcasting licence under this section, the Authority shall give notice to the broadcasting licensee —

- (a) stating that it proposes to make the modification in the manner specified in the notice and (except if the modification results from a contravention by the licensee of section 24(1)(a) or any other default of the licensee) the compensation payable (if any) for any damage caused thereby; and
- (b) specifying the time (being not less than 28 days from the date of service of notice on the licensee) within which written representations with respect to the proposed modification may be made.

(3) After receipt of any written representation referred to in subsection (2)(b), the Authority shall consider such representation and may —

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

and, in either event, shall thereupon issue a direction in writing to the licensee requiring that effect be given to the proposed modification

specified in the notice or to such modification as subsequently amended by the Authority within a reasonable time.

(4) Any broadcasting licensee aggrieved by a decision of the Authority under subsection (3) may, within 14 days of the receipt by it of the direction, appeal to the Minister whose decision shall be final.

(5) The Authority shall not enforce a direction given under subsection (3) —

- (a) during the period referred to in subsection (4); and
- (b) whilst the appeal of the licensee is under consideration by the Minister.

(6) 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 withdrawn, the Authority may forthwith carry out the modification as specified in the notice given under that subsection.

Modification of class licence conditions

23. The Authority may, by notification published in the *Gazette* —

- (a) modify the conditions specified in any class licence; or
- (b) specify additional conditions of any class licence.

Suspension or cancellation of broadcasting licence, etc

24.—(1) If the Authority is satisfied that —

- (a) a broadcasting licensee is contravening, or has contravened, any of the conditions of its licence, any relevant Code of Practice, any of the provisions of this Act or the regulations or any direction issued by the Minister or the Authority to, or applicable to, the licensee;
- (b) a broadcasting licensee has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (c) a broadcasting licensee has made any assignment to, or composition with, its creditors; or

(d) the public interest or the security of Singapore so requires, the Authority may, by notice in writing and without any compensation, do either or both of the following:

- (i) cancel the licence or suspend the licence for such period as the Authority thinks fit and, in the case of a class licensee, cancel or suspend the application of the class licence in respect of the class licensee for such period as the Authority thinks fit;
- (ii) require the payment of a fine of such amount as the Authority thinks fit.

(2) Any person who is aggrieved by any decision of the Authority under this section may, within 14 days of the receipt by him of the notice referred to in subsection (1), appeal to the Minister whose decision shall be final.

Compliance with Codes of Practice, etc

25.—(1) Every broadcasting licensee shall comply with the Codes of Practice relating to standards of programmes and advertisements and broadcast standards.

(2) No broadcasting licensee shall allow to be transmitted a broadcasting service other than in accordance with any broadcast standards specified in any regulations or Code of Practice or any condition which may be incorporated in its broadcasting licence.

Free-to-air broadcasting services

26.—(1) A free-to-air licensee shall provide broadcasting services in such language as may be specified in its licence.

(2) Each free-to-air broadcasting service shall be broadcast for not less than such number of hours during each day as may be specified in the free-to-air licence.

Submission of broadcasting material to Authority

27.—(1) A broadcasting licensee shall supply to the Authority on demand any material, including the script thereof, which is intended for broadcasting.

(2) A broadcasting licensee who is required to supply material under subsection (1) shall —

- (a) supply the material in such form as the Authority may determine; or
- (b) make available on demand without charge such equipment as the Authority may determine.

(3) The Authority may, if it is satisfied that any programme intended to be broadcast by a broadcasting licensee may be against the public interest or order, national harmony or will offend against decency, require the broadcasting licensee to pre-record the programme and submit it to the Authority for approval before it is broadcast.

Directions of Authority

28.—(1) The Authority may issue directions in writing to a broadcasting licensee requiring the licensee to take such action with regard to the contents of programmes or advertisements or to broadcast standards as the Authority considers necessary in order to comply with the provisions of this Act, any relevant Code of Practice and any condition attached to the broadcasting licence.

(2) Directions issued under subsection (1) may include a direction prohibiting a broadcasting licensee from broadcasting the whole or any part of a programme or of any class of material.

(3) Any broadcasting licensee and any other person responsible for the broadcasting of any programme prohibited by a direction issued under subsection (1) shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Public service broadcasting services

29. A broadcasting licensee shall include, within the broadcasting services required to be broadcast by it under its broadcasting licence, programmes provided by the Authority or the Government through the Authority, including programmes for schools or other educational programmes, news and information programmes produced in Singapore or elsewhere, arts and cultural programmes, and drama

and sports programmes produced in Singapore, as may be required by the Authority pursuant to the conditions of its licence.

General requirements in respect of public service programmes

30.—(1) Programmes required under section 29 or pursuant to a condition attached to a broadcasting licence to be broadcast by a broadcasting licensee shall be broadcast without charge to the Authority or with such subsidy from the Authority as may be provided in that broadcasting licence.

(2) A broadcasting licensee shall, on the request of the Authority and on receipt of reasonable notice, make available to the Authority without charge such part of its broadcasting apparatus as the Authority may specify for the purpose of broadcasting programmes required to be broadcast under section 29 or pursuant to a condition attached to its broadcasting licence.

“Must carry” provision

31.—(1) Notwithstanding anything in this Act but subject to this section, the Authority may, by a direction in writing, require a broadcasting licensee to provide for transmission and reception any broadcasting service which is —

- (a) provided by any other person for such transmission and reception; and
- (b) specified in its licence or is of a description so specified.

(2) Where the Authority gives a direction under this section, the broadcasting licensee to whom it is given shall comply with the requirements of the direction until it is withdrawn.

(3) Where it is proposed to give a direction under this section, the Authority shall give notice to the broadcasting licensee —

- (a) stating that the Authority proposes to give directions in the manner specified in the notice and the compensation payable, if any, for the damage caused thereby; and
- (b) specifying the time (being not less than 28 days from the date of service of notice on the broadcasting licensee) within

which written representations with respect to the proposed directions may be made.

(4) After receipt of any written representation referred to in subsection (3)(b), the Authority shall consider the representation and may —

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

and in either event, shall thereupon issue a direction in writing to the broadcasting 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.

(5) Any broadcasting licensee aggrieved by a decision of the Authority under subsection (4) may, within 14 days of the receipt by it of the direction, appeal to the Minister whose decision shall be final.

(6) The Authority shall not enforce a direction given under subsection (4) —

- (a) during the period referred to in subsection (5); and
- (b) whilst the appeal of the broadcasting licensee is under consideration by the Minister.

(7) If no written representation is received by the Authority within the time specified in subsection (3), or if any written representation made under that subsection is withdrawn, the Authority may forthwith give effect to the requirements of the direction given under this section.

PART VI

BROADCASTING APPARATUS

Licensing of broadcasting apparatus

32.—(1) Subject to this section, no person shall —

- (a) instal any broadcasting apparatus in any place, or on board any ship, aircraft or vehicle registered in Singapore;

- (b) import, offer for sale, sell or have in his possession with a view to sale, any broadcasting apparatus; or
- (c) operate or have on any premises in Singapore owned or occupied by him broadcasting apparatus on or by which broadcasting services are received,

except under and in accordance with a licence granted under this section.

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

(3) Subsection (1) shall not be construed as requiring any person who works a broadcasting apparatus in the course of his duty as a member of the Singapore Armed Forces, the Singapore Police Force, the Vigilante Corps or the Singapore Civil Defence Force to obtain a licence under this Act.

(4) The Authority may exempt any person or broadcasting apparatus or class of broadcasting apparatus from subsection (1).

Application of certain provisions of Act to broadcasting apparatus licences

33. Sections 22, 24 and 28 shall apply, *mutatis mutandis*, to broadcasting apparatus licences and broadcasting apparatus licensees.

PART VII

FREQUENCY PLANNING

Frequency planning criteria

34. In performing its functions under this Act, the Authority shall have regard to —

- (a) the social and economic characteristics within Singapore;
- (b) the number of existing broadcasting services and the demand for new broadcasting services;
- (c) the developments in technology;

- (d) the technical restraints relating to the transmission, delivery or reception of broadcasting services;
- (e) the demand for electromagnetic, and particularly radio frequency, spectrum for services other than broadcasting services; and
- (f) such other matters as the Authority or the Telecommunication Authority of Singapore considers appropriate.

Re-assignment of frequencies

35.—(1) The Telecommunication Authority of Singapore shall, in consultation with the Authority, assign to the Authority specific frequencies in the electromagnetic spectrum and satellite orbits for the purpose of broadcasting having regard to the international allocation plans set by the International Telecommunication Union as well as national requirements.

(2) The Authority may re-assign to any person the frequencies in the electromagnetic spectrum and satellite orbits assigned under subsection (1) in accordance with this Act.

Separate licence for use of frequency not required

36. Notwithstanding anything in the Telecommunication Authority of Singapore Act (Cap. 323) or any regulations made thereunder, if a licensee is granted a broadcasting licence under this Act and the licence includes the right for the licensee to use any specified frequency in the electromagnetic spectrum or satellite orbits for the broadcast, or the transmission of one or more broadcasting services, then the licensee shall not be required to obtain any other licence under this Act or the Telecommunication Authority of Singapore Act (Cap. 323) in respect of the use of such frequency or satellite orbits for the period for which that broadcasting licence is in force and for the purposes permitted by that licence.

PART VIII
BROADCASTING CONDITIONS

Transmission area requirements

37.—(1) A broadcasting licensee shall, within such time as may be specified in its broadcasting licence, broadcast in such a manner as to enable its broadcasting services to be received to the satisfaction of the Authority in all parts of Singapore or such parts thereof as the Authority may specify.

(2) If the Authority so directs, a free-to-air licensee shall publish, in such manner as the Authority may require, notification of the commencement dates for broadcasting its broadcasting services and the areas of Singapore within which its broadcasting services may be received satisfactorily.

Sharing of facilities

38.—(1) The Authority may direct any broadcasting licensee or broadcasting apparatus licensee to co-ordinate and co-operate, in such manner and on such terms as the Authority may specify, with any other licensee or any other person specified by the Authority in the use or sharing of any broadcasting apparatus or related equipment or facility owned, operated or used by the broadcasting licensee or broadcasting apparatus licensee for the purpose of broadcasting, whether or not they have been provided, or are intended to be provided, by the licensee or any other licensee or any other person specified by the Authority.

(2) This section shall not apply to any telecommunication system licensed under section 26 of the Telecommunication Authority of Singapore Act.

Inspection and testing of broadcasting apparatus

39.—(1) The Authority or any person authorised by it in that behalf may, at any reasonable time, inspect and test any broadcasting apparatus used, or intended to be used, by a broadcasting apparatus licensee for the transmission of any broadcasting service for the purpose of ascertaining whether or not the licensee is complying, or will comply, at all times with the broadcast standards prescribed by

this Act or the regulations, any Code of Practice and the conditions of its broadcasting apparatus licence in respect of the transmission of broadcasting services.

(2) The directors, principal officers and other employees of a broadcasting apparatus licensee shall, for the purpose of any inspection or test under subsection (1) —

- (a) make available on request to the Authority or any person authorised by the Authority for the purpose of the inspection or test and permit to be inspected and tested any part of its broadcasting apparatus used, or intended to be used, for the transmission of any broadcasting service;
- (b) assist the Authority or such authorised person in carrying out the inspection or test in any manner specified by it; and
- (c) answer directly and truthfully any question put to them by the Authority or such authorised person.

Provision of building space, etc., by owner or developer of building or land

40.—(1) Where the Authority considers it necessary that any licensable broadcasting service should be provided to any building and is of the opinion that any broadcasting apparatus or installation or plant to be used in providing the service has to be installed within the building or any land, the Authority may by direction require the developer or owner of the building or land to provide, within such period as may be specified in the direction, such broadcasting apparatus, installation or plant or space, of a standard acceptable to the Authority, within or on the building or land and access thereto as the Authority may require.

(2) Where the Authority considers it necessary that the reception of any licensable broadcasting service in any building in any area should be facilitated and is of the opinion that any broadcasting apparatus or installation or plant to be used in facilitating such reception has to be installed within or on any building or land in that area or any other area, the Authority may by direction require the developer or owner of the building or land to provide, within such period as may be specified in the direction, access to the building or land and access to or

interconnection with any broadcasting apparatus or installation or plant within or on the building or land.

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

(a) a requirement that the developer or owner of the building or land shall contribute wholly or partly to such costs and expenses incurred for the provision of any broadcasting apparatus, installation or plant or space under subsection (1) as the Authority may determine; and

(b) such other requirements as the Authority may specify.

(4) Any person who fails to comply with any requirement in a direction under subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(5) Nothing in any direction given under subsection (1) shall be construed as granting any exemption from any licensing requirement under this Act or any other written law which the developer or the owner of any building or land may be required to comply with in respect of any broadcast apparatus or installation or plant.

(6) For the purposes of this section, “installation or plant” includes all buildings, lands, structures, machinery, equipment, cables, poles and lines used or intended for use in connection with broadcasting.

PART IX

FOREIGN BROADCASTING SERVICES

Orders proscribing unacceptable foreign broadcasting services

41.—(1) Subject to this section, the Minister may make an order proscribing a foreign broadcasting service for the purposes of section 42.

(2) If the Authority considers that the quality or content of any foreign broadcasting service which is brought to its attention is unacceptable and that the service should be the subject of an order under this section, the Authority shall notify the Minister the details of the service and the reasons why it considers an order under subsection (1) should be made.

(3) The Authority shall not consider a foreign broadcasting service to be unacceptable for the purposes of subsection (2) unless the Authority is satisfied that the content of that service included any matter which prejudices the public interest or order, national harmony or offends against good taste or decency.

(4) In this section and section 42, “foreign broadcasting service” means a broadcasting service which transmits from a place outside Singapore broadcasting services which are capable of being received in Singapore.

Offence of supporting proscribed foreign broadcasting services

42.—(1) This section shall apply to any foreign broadcasting service which is proscribed for the purposes of this section by virtue of an order made under section 41; and references in this section to a proscribed service are references to any such service.

(2) Any person who in Singapore does any of the following acts shall be guilty of an offence:

- (a) supplying any equipment or other goods for use in connection with the operation of day-to-day running of a proscribed service;
- (b) supplying, or offering to supply, programmes to be included in any broadcasting service transmitted as part of a proscribed service;
- (c) arranging for, or inviting, any other person to supply programmes to be so included;
- (d) advertising, by means of programmes transmitted as part of a proscribed service, goods supplied by him or services provided by him;
- (e) publishing the times or other details of any programmes which are to be transmitted as part of a proscribed service or (otherwise than by publishing such details) publishing advertising matter calculated to promote a proscribed service, whether directly or indirectly;
- (f) supplying, or offering to supply, any decoding equipment which is designed or adapted to be used primarily for the

purpose of enabling the reception of programmes transmitted as part of a proscribed service; and

(g) promoting, financially or otherwise, a proscribed service.

(3) A person who is guilty of an offence under subsection (2) shall be liable on conviction to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Any equipment and goods used in the commission of an offence under this section shall be liable to be forfeited to the Government.

(5) For the purposes of this section, a person exposing decoding equipment for supply or having such equipment in his possession for supply shall be deemed to offer to supply it.

PART X

OWNERSHIP AND CONTROL OF BROADCASTING COMPANIES

Application of this Part to broadcasting company

43.—(1) This Part shall apply to every broadcasting company unless exempted by the Authority.

(2) For the purposes of this Part —

“broadcasting company” means a broadcasting company incorporated or registered under the Companies Act (Cap. 50) which holds a relevant licence;

“relevant licence” means —

(a) any free-to-air licence; or

(b) any broadcasting licence under which a subscription broadcasting service may be provided,

which permits broadcast which is capable of being received in 50,000 dwelling-houses or more, but does not include any class licence; or

(c) such other broadcasting licence as the Minister may from time to time specify in the public interest or in the interests of public security or order, or national defence.

Special features of broadcasting company

44.—(1) Subject to subsection (2), the chief executive officer of a broadcasting company and at least one-half of its directors must be citizens of Singapore.

(2) The Authority may in writing approve the appointment of any person who is not a citizen of Singapore as a director or chief executive officer of a broadcasting company.

(3) This section shall have effect notwithstanding the provisions of any other written law or of the memorandum or articles of association, or other constitution, of a broadcasting company.

No person to hold more than 3% ordinary shares without approval

45.—(1) No person shall, without the prior approval of the Authority, hold, directly or indirectly through his nominees, more than 3% of the ordinary shares issued by a broadcasting company.

(2) The Authority may grant its approval under subsection (1) subject to such conditions as it may think fit.

(3) Any person who, directly or indirectly, holds more than 3% of the ordinary shares issued by a broadcasting company without having obtained the prior approval of the Authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both, and any surplus shares held by him shall be forfeited to the Government.

(4) The Authority may at any time revoke any approval given under subsection (1) without assigning any reason.

(5) Before the Authority revokes any approval given under subsection (1), the Authority shall give the person concerned a reasonable time to dispose of his surplus shares.

(6) Any nominee company which is registered as the holder of ordinary shares issued by a broadcasting company shall, at the request of the Authority, disclose to the Authority the names and addresses of the persons on whose behalf the company is holding those shares, and if the information is not furnished within 14 days of the request the

company and every officer of the company who is in default shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(7) In this section, “surplus shares” means all the ordinary shares of a broadcasting company held by, and on behalf of, a person in excess of the 3% limit prescribed by subsection (1).

Funds from foreign source for purposes of certain broadcasting service

46.—(1) Subject to this section, no person shall, without prior consent of the Authority, receive any fund from any foreign source for the purposes of financing, directly or indirectly, wholly or in part, any broadcasting service owned or operated by any broadcasting company.

(2) The Authority may grant its consent under subsection (1) if it is satisfied, on such information as it may require to be furnished to it, that the fund from a foreign source are intended for bona fide commercial purposes.

(3) Notwithstanding subsection (1) where any fund from a foreign source is sent to a person without his prior knowledge, consent or solicitation and the fund is intended for or given by the sender for any purpose referred to in that subsection, that person shall, within 7 days of the receipt thereof, report to the Authority the circumstances and particulars of the receipt of the fund and the purpose for which the fund was received.

(4) Where any fund from a foreign source has been received by a person for any purpose referred to in subsection (1) and the Authority refuses to grant its consent for the retention of the fund, the person shall, within such time as is specified by the Authority, return the fund to the sender thereof or, if the sender cannot be traced, donate the fund to any charity specified by the Authority.

(5) Any employee of a broadcasting company who, having received any fund from a foreign source for the broadcasting of any item or programme or for adopting a particular line or bias in respect of any item or programme, fails to report in writing, within 7 days of the

receipt of the fund, to the chief executive of the company shall be guilty of an offence and shall be liable on conviction to the same penalty prescribed by subsection (8).

(6) For the purposes of subsection (5), any fund received from outside Singapore by an employee shall, until the contrary is proved, be presumed to be from a foreign source.

(7) Nothing in this section shall apply to any dealing by any person in the shares of a broadcasting company quoted on a stock exchange in Singapore.

(8) Any person who contravenes or fails to comply with subsection (1), (3) or (4) 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 3 years or to both, and the court may, in addition to any other penalty that it may impose, order the forfeiture to the Authority of any fund which is the subject of the charge.

(9) For the purposes of this section and section 47 —

“foreign source” includes —

- (a) the government of a country outside Singapore or the agent of any such government, whether resident in Singapore or otherwise;
- (b) any company, association or society incorporated or constituted under any law in force outside Singapore whether or not it has a branch office or place of business in Singapore;
- (c) any person who is not a citizen of Singapore whether or not he is resident in Singapore; or
- (d) such other source outside Singapore as the Minister may, by notification in the *Gazette*, declare to be a foreign source for the purposes of this section and section 47;

“fund” means money, securities, movable or immovable property or other valuable consideration.

Broadcasting company owned by foreign source

47. No company shall, unless the Authority otherwise approves, be granted or hold a relevant licence if the Authority is satisfied that 49% or more of its issued and paid-up capital is owned by or on behalf of any foreign source or that all or a majority of the persons having the direction, control or management of the company are appointed by or on behalf of the government of a country outside Singapore or the agent of any such government.

Appeal under this Part

48. Any person aggrieved by any refusal of the Authority to grant its approval or consent under any provision of this Part may appeal to the Minister whose decision shall be final.

PART XI

TRANSFER OF UNDERTAKING

Vesting of undertaking in broadcasting successor companies and Authority

49.—(1) On such date as the Minister may, by order published in the *Gazette*, appoint (referred to in this Act as the transfer date), all the property, rights and liabilities comprised in the Corporation's undertaking to which the Corporation was entitled or subject immediately before that date shall become, by virtue of this section and without further assurance, the property, rights and liabilities of the Authority and companies nominated for the purposes of this section by the Minister (referred to in this Act as the broadcasting successor companies) in such manner of distribution and allocation as determined by the Minister and agreed to by the Minister for Finance, including any division or sharing between the broadcasting successor companies and the Authority or any of them, of any one or more items of such property, rights or liabilities.

(2) Any immovable property to be transferred to and vested in a broadcasting successor company or the Authority under subsection (1) shall be held by the company or the Authority, as the

case may be, upon such tenure and subject to such terms and conditions as the President may determine.

(3) The Authority shall grant, as from the transfer date, broadcasting licences and broadcasting apparatus licences to each broadcasting successor company according to the property, rights and liabilities so vested in the company.

(4) If any question arises as to whether any particular property, right or liability has been transferred to or vested in any broadcasting successor company or the Authority under this Act, a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, right or liability was or was not so transferred or vested.

(5) It is hereby declared for the avoidance of doubt that —

(a) any reference in this Act to property comprised in the Corporation's undertaking is a reference to such property of the Corporation whether situated in Singapore or elsewhere; and

(b) any reference in this Act to rights and liabilities comprised in the Corporation's undertaking is a reference to such rights to which the Corporation is entitled or, as the case may be, such liabilities to which the Corporation is subject, whether under the laws of Singapore or any country outside Singapore and includes rights and liabilities arising under loans raised in relation to the Corporation's undertaking.

(6) It shall be the duty of each broadcasting successor company and the Authority to take all such steps as may be requisite to secure that the vesting in each such company and the Authority by virtue of this section of any foreign property, right or liability is effective under the relevant foreign law and until such time it shall be the duty of the Authority, as the successor of the Corporation, to hold that property or right for the benefit of, or to discharge that liability on behalf of, each such company and the Authority, as the case may be.

(7) As from the transfer date for all purposes the Authority shall be deemed to be acting in place of the Corporation as its successor in title and there shall be deemed to be vested in the Authority all property, rights and liabilities of the Corporation previously not vested

specifically in the broadcasting successor companies or the Authority under this Act.

(8) Nothing in subsections (6) and (7) shall be construed as prejudicing the effect under the laws of Singapore of the vesting in any broadcasting successor company or the Authority by virtue of this section of any foreign property, right or liability.

(9) Any expenses incurred by the Authority under subsection (6) or (7) shall be paid by the relevant broadcasting successor company or the Authority, as the case may be.

(10) In this section, references to any foreign property, right or liability are references, respectively, to any property, right or liability comprised in the Corporation's undertaking in respect of which any issue arising in any proceedings would have been determined (in accordance with the rules of conflict of laws) by reference to the law of a country or territory outside Singapore.

Initial Government holding in broadcasting successor companies

50.—(1) As a consequence of the vesting in the broadcasting successor companies by virtue of section 49 of property, rights and liabilities comprised in the Corporation's undertaking, each broadcasting successor company shall issue such securities in the company as the Minister for Finance may from time to time direct to any company wholly owned by the Government.

(2) The Minister for Finance shall not give a direction under subsection (1) to any broadcasting successor company at a time when that broadcasting successor company has ceased to be wholly owned by the Government.

(3) Securities required to be issued in pursuance of this section shall be issued or allotted at such time and on such terms as to allotment as the Minister for Finance may direct.

(4) Shares issued in pursuance of this section —

(a) shall be of such nominal value as the Minister for Finance may direct; and

- (b) shall be issued as fully paid and treated for the purposes of the Companies Act (Cap. 50) as if they had been paid up by virtue of the payment to the issuing broadcasting successor company of their nominal value.

(5) Section 69 of the Companies Act (which provides that where a company issues shares for which a premium is received by the company whether in cash or in the form of other valuable consideration a sum equal to the aggregate amount or value of the premiums on those shares shall be transferred to a share premium account) shall not apply in relation to the issue of shares by a broadcasting successor company in pursuance of this section, notwithstanding that such shares may be regarded as having been issued by the company at a premium.

Financial structure of broadcasting successor companies

51.—(1) If the Minister for Finance so directs at any time before a broadcasting successor company ceases to be wholly owned by the Government, such sum (not exceeding the accumulated realised profits of the Corporation in connection with its undertaking) as may be specified in the direction shall be carried by that broadcasting successor company to a reserve (referred to in this section as the statutory reserve).

(2) The statutory reserve may only be applied by a broadcasting successor company in paying up unissued shares of the company to be allotted to members of the company as fully-paid bonus shares.

(3) For the purposes of any statutory accounts of a broadcasting successor company —

- (a) the vesting effected by virtue of section 49 shall be taken to have been a vesting of the property, rights and liabilities comprised in the Corporation's undertaking to which the Corporation was entitled or subject on the transfer date and which was allocated to the company by determination of the Minister under section 49(1); and
- (b) the value of any asset and the amount of any liability of the Corporation taken to have been vested in a broadcasting successor company by virtue of paragraph (a) shall be taken

to be the value or, as the case may be, the amount assigned to that asset or liability in the statement of accounts of the Corporation as at the transfer date.

(4) For the purposes of any statutory accounts of a broadcasting successor company, the amount to be included in respect of any item shall be determined as if anything done by the Corporation (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise) had been done by the company.

(5) Without prejudice to the generality of subsection (4), the amount to be included in any reserves of a broadcasting successor company as representing its accumulated realised profits shall be determined as if any profits realised and retained by the Corporation in connection with that part of its undertaking vested in the company had been realised and retained by the company.

(6) References in this section to the statutory accounts of a broadcasting successor company are references to any accounts prepared by the company for the purposes of any provision of the Companies Act (Cap. 50).

Application of Companies Act in relation to offer of shares or debentures of broadcasting successor companies

52.—(1) This section shall apply where the Minister for Finance or the company to which securities of any broadcasting successor company are issued at the direction of the Minister for Finance under section 50(1) offers for sale to the public shares or debentures of the broadcasting successor company; and in this section, “full prospectus” means a prospectus which complies, or is deemed to comply, with the requirements of a prospectus under the Companies Act.

(2) If the shares or debentures are offered by a full prospectus in respect of which the conditions mentioned in subsection (3) are fulfilled (referred to in this section as the offer prospectus), any form of application for the shares or debentures may (instead of being issued with a full prospectus) be issued with a notice given by the Minister for Finance which includes —

- (a) a brief description of the shares or debentures offered, the terms of offer, the broadcasting successor company's business and its financial position;
 - (b) an indication of the places in Singapore where copies of the offer prospectus are to be available to members of the public; and
 - (c) a statement of the effect of subsection (4).
- (3) The conditions referred to in subsection (2) are —
- (a) that a copy of the prospectus has been delivered to the Registrar of Companies in pursuance of section 50 of the Companies Act; and
 - (b) that arrangements have been made with a view to securing that on or before the date of receipt of the form of application by a member of the public copies are generally available in Singapore to members of the public.
- (4) Where a form of application is issued without a full prospectus but with a notice given by the Minister for Finance under subsection (2), then, for the purposes of any written law or any rule of law —
- (a) the notice shall be taken to have incorporated the offer prospectus; and
 - (b) any application for the shares or debentures which is made in pursuance of the notice shall be taken to have been made in pursuance of that prospectus.

Application of Trustees Act in relation to investment in broadcasting successor companies

53.—(1) For the purpose of applying paragraph 1(1)(b), (c) and (d) of Part IV of the First Schedule to the Trustees Act (Cap. 337) (which provide that securities of a company shall not count as authorised investments within the meaning of that Act unless the company has a shareholders equity of not less than \$30 million and has paid dividends in each of the 3 financial years and has reported a profit in the financial year immediately preceding that in which the investment is made) in relation to investment in securities of a broadcasting

successor company during the financial year in which the transfer date falls (the first investment year) or during any financial year following that year, the company shall be deemed —

- (a) to have paid a dividend as mentioned in the said paragraph 1(1)(b) in each financial year preceding the first investment year which is included in the relevant 3 years, and in the first investment year, if that year is included in the relevant 3 years and the company does not in fact pay such a dividend in that year;
- (b) to have had a shareholders equity of not less than \$30 million as mentioned in the said paragraph 1(1)(c); and
- (c) to have reported a profit as mentioned in the said paragraph 1(1)(d) in the financial year preceding the first investment year, and in the first investment year, if the company does not in fact report such a profit in that year.

(2) In subsection (1), “the relevant 3 years” means the 3 financial years immediately preceding the financial year in which the investment in question is made or proposed to be made.

Transfer of employees to broadcasting successor companies and Authority

54. As from the transfer date, every person employed by the Corporation in connection with the Corporation’s undertaking immediately before that date shall be transferred to the service of a broadcasting successor company or the Authority as the Corporation may determine on terms no less favourable than those enjoyed by him immediately prior to his transfer.

Conditions of service

55.—(1) Until such time as contracts of service are drawn up by the broadcasting successor company or the Authority, as the case may be, the schemes and terms and conditions of service in the Corporation shall continue to apply to every person transferred to the service of a broadcasting successor company or the Authority under section 54 as if he were still in the service of the Corporation.

(2) Where any person who is transferred to the service of a broadcasting successor company or the Authority under section 54 is a contributor under the Widows' and Orphans' Pension Act (Cap. 350), he shall for the purposes of that Act continue to make contributions under that Act as if he had not been transferred to the service of the company or the Authority and for the purposes of that Act, his service with the company or the Authority shall be deemed to be service with the Government.

(3) Notwithstanding the provisions of the Pensions Act (Cap. 225), no person who is transferred to the service of a broadcasting successor company or the Authority under section 54 shall be entitled to claim any benefits under that Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the incorporation of the company or the establishment of the Authority.

(4) The Authority shall be liable to pay to any former employee of the Government or the Corporation, as the case may be, who has retired before or after the transfer date such pension benefits payable under the Pensions Act as he is entitled to and the Government shall be liable to pay to the Authority such portion of any such pension benefits payable to such former employee as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government, the Corporation and the Authority bears to the aggregate amount of his pensionable emoluments during his service under the Government, the Corporation and the Authority.

Continuation and completion of disciplinary proceedings

56.—(1) Where, on the transfer date, any disciplinary proceedings are pending or there is an interdiction or investigation against or in respect of any employee of the Corporation transferred to the service of a broadcasting successor company or the Authority, the proceedings, the commencement of proceedings, or the appropriate dealing with the employee shall be taken up and continued by the broadcasting successor company or the Authority, as the case may be.

(2) Where, on the transfer date, any penalty (other than dismissal) has been imposed on any employee of the Corporation pursuant to

disciplinary proceedings against him and the penalty has not been, or remains to be, served by such employee, he shall, on his transfer to a broadcasting successor company or the Authority under section 54, serve or continue to serve such penalty to its full term as if it had been imposed by the company or the Authority, as the case may be, and the penalty shall remain valid against the employee on his transfer and shall continue in full force and effect until he has served the penalty in full.

Misconduct or neglect of duty whilst in employment of Corporation

57. Where an employee of the Corporation has been transferred to the service of a broadcasting successor company or the Authority pursuant to section 54, the company or the Authority, as the case may be, may reprimand, reduce in rank, retire, dismiss or punish in some other manner that employee for any misconduct, omission or neglect of duty which took place or occurred whilst he was in the employment of the Corporation if the misconduct, omission or neglect of duty would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner by the Corporation as if this Act had not been enacted.

Existing agreements and pending proceedings

58.—(1) All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the transfer date affecting the portion of the undertaking transferred to a broadcasting successor company or the Authority under section 49 or affecting any employee of the Corporation transferred to the service of the company or the Authority under section 54 shall continue in force on and after that date and shall be enforceable by or against the company or the Authority, as the case may be, as if instead of the Corporation or any person acting on behalf of the Corporation, the company or the Authority, as the case may be, had been named therein or had been a party thereto.

(2) Any proceedings or cause of action relating to the Corporation's undertaking or to any employee of the Corporation transferred to the service of a broadcasting successor company or the Authority pending

or existing immediately before the transfer date by or against the Corporation or any person acting on its behalf may be continued and shall be enforced by or against the company or the Authority, as the case may be.

PART XII

OFFENCES AND PENALTIES

Offences relating to licensable broadcasting services

59. Any person who contravenes or fails to comply with section 20(1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 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 thereof during which the offence continues after conviction.

Offences relating to installation, sale, import or possession of broadcasting apparatus

60. Any person who contravenes or fails to comply with section 32(1)(a), (b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 3 years or to both, and any broadcasting apparatus installed or found in the possession of the person so convicted shall be forfeited to the Authority.

Unauthorised decoders

61.—(1) No person shall, in the course of any trade or business, import, manufacture, sell, offer for sale or let for hire any unauthorised decoder.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 3 years or to both and any unauthorised decoder shall be forfeited to the Authority.

(3) Proof that a person has, in the course of any trade or business, imported, manufactured, sold, offered for sale or let for hire any

unauthorised decoder shall be evidence that such person knew that the decoder was an unauthorised decoder.

(4) For the purposes of this section —

“decoder” means any apparatus or component part thereof which is designed or adapted to enable (whether on its own or with any other apparatus) an encrypted audio or visual programme to be decoded;

“unauthorised decoder” means a decoder which will enable encrypted audio or visual programmes to be viewed in decoded form without payment of the subscription payable in respect of the right to view those programmes.

Offence of hindering employee or agent of Authority

62. Any person who obstructs or hinders any employee or agent of the Authority acting in the discharge of his duty under this Act or the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Power of Authority to requisition information

63.—(1) The Authority or any person authorised by the Authority in that behalf may by notice require any person to furnish the Authority or the person so authorised, within such period as shall be specified in the notice, with all such documents or information relating to all such matters as may be required by the Authority for the purposes of this Act and as are within the knowledge of that person or in his custody or under his control.

(2) Any person who, on being required by any notice under subsection (1) to furnish any document or information, fails to comply with any requirement of the notice shall be guilty of an offence.

(3) A person who —

(a) intentionally alters, suppresses or destroys any document which he has been required by any notice under subsection (1) to furnish; or

(b) in furnishing any estimate, return or other information required of him under any notice under subsection (1),

makes any statement which he 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.

(4) Any person guilty of an offence under subsection (2) or (3) shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

Power of police officer and other authorised persons against unlicensed broadcasting service or apparatus

64.—(1) Any police officer or any employee authorised by the Authority may, if he has reasonable grounds for believing that a broadcasting service has been or is being provided in contravention of this Act or any regulations or in breach of any licence or that any broadcasting apparatus used is not licensed by the Authority, enter and inspect any premises and seize any broadcasting apparatus found therein which appears to be used for or in connection with broadcasting.

(2) If there is no prosecution with regard to any broadcasting apparatus seized under this section, such broadcasting apparatus shall be taken and deemed to be forfeited to the Authority unless a claim is made within two months from the date of seizure.

(3) Any person asserting that he is the owner of any broadcasting apparatus so seized may personally or by his authorised agent give written notice to the Authority that he claims the same.

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

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

Power of arrest and search

65.—(1) The Chief Executive or any employee of the Authority authorised by him to act under this section 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 he has been guilty of a seizable offence under this Act,

and may search any person so arrested, except that no female shall be searched except by a female.

(2) Every person so arrested shall, 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 42, 59, 60 and 61 shall be deemed to be seizable offences within the meaning of the Criminal Procedure Code (Cap. 68).

No entitlement to costs or damages

66. No person shall, in any proceedings before any court in respect of any apparatus, equipment, article, book or document seized in the exercise or the purported exercise of any power conferred under this Act, be entitled to the costs of the proceedings or to any damages or other relief other than an order for the return of the apparatus, equipment, article, book or document or the payment of their value unless the seizure was made without reasonable or probable cause.

Offence against other laws

67. Nothing in this Act shall prevent any person from being prosecuted under any other written law for any act or omission which constitutes an offence under that law, 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, but no person shall be punished twice for the same offence.

Conduct of proceedings by officers

68. Proceedings in respect of any offence under this Act or the regulations may be conducted by an officer of the Authority or an officer of the Government authorised in writing in that behalf by the Chief Executive.

Offence by body corporate

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

Power to compound offences

70.—(1) The Authority may, in its discretion, compound any offence under this Act or the regulations which is prescribed as being an offence which may be compounded by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

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

(3) All sums collected under this section shall be paid to the Authority.

Jurisdiction of Courts

71. A District Court or a Magistrate's Court shall have jurisdiction to hear and determine all offences under this Act and the regulations and, notwithstanding anything to the contrary in the Criminal Procedure Code (Cap. 68), shall have power to impose the full penalty or punishment in respect of any offence under this Act.

PART XIII**MISCELLANEOUS PROVISIONS****Appeal to Minister**

72.—(1) Any 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 direction issued by the Authority,

may appeal to the Minister.

(2) Unless otherwise provided, where an appeal is lodged under this section, the decision, direction or other thing appealed against shall be complied with until the determination of the appeal.

(3) 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.

(4) The decision of the Minister in any appeal shall be final.

Exemption

73. The Minister may, in his discretion, and subject to such conditions as he may think fit, exempt any person or class of persons from all or any of the provisions of this Act or the regulations.

Equipment of licensee not subject to distress, etc

74.—(1) No equipment or related facility of a licensee used for providing, transmitting or delivering licensable broadcasting services shall be subject to distress or be liable to be taken in execution under any process of a court in any bankruptcy or insolvency proceedings by any person without the prior approval of the Minister in writing.

(2) This section shall not apply to any class licensee.

International dealings of Authority

75. For the purposes of the conduct of any international broadcast and subject to this Act, the Authority may enter into direct

communication, arrangement and agreement with the lawfully constituted broadcasting authority of any country or with any duly authorised international agency or organisation concerned with broadcasting, as the case may be, for the purpose of providing facilities, fixing rates, arranging terms of payment or accounting, for operational, engineering or administrative purposes or for any other purpose necessary for the proper fulfilment of its functions under this Act.

Government's right to determine international relations

76. Nothing in section 75 shall be 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 and the Authority and each broadcasting successor company shall so discharge their responsibilities and conduct their business as to comply with and fulfil all international agreements, conventions or undertakings relating to broadcasting to which Singapore is a party.

Service of notice, etc

77.—(1) Unless otherwise expressly provided in this Act, any notice, order or document required or authorised by this Act or the regulations to be given or served on any person, and any summons issued by a court in connection with any offence under this Act or the regulations may be served on the person concerned —

- (a) by delivering it to the person or to some adult member or employee of his family at his last known place of residence;
- (b) by leaving it at his usual or last known place of residence or business in a cover addressed to him;
- (c) by affixing it to some conspicuous part of his last known place of residence;
- (d) by sending it by registered post addressed to the person at his usual or last known place of residence or business; or

(e) where the person is a body corporate —

- (i) by delivering it to the secretary or other like officer of the body corporate at its registered or principal office; or
- (ii) by sending it by registered post addressed to the body corporate at its registered or principal office.

(2) Any notice, order, document or summons sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person to whom the letter is addressed at the time when the letter would, in the ordinary course of post, be delivered and in proving service of the same it shall be sufficient to prove that the envelope containing the notice, order, document or summons was properly addressed, stamped and posted by registered post.

Amendment of First and Second Schedules

78.—(1) The Minister may, by notification in the *Gazette*, at any time amend the First or Second Schedule.

(2) The Minister may, in any notification made under subsection (1), make such incidental, consequential or supplementary provisions as may be necessary or expedient.

Regulations

79. The Authority may, with the approval of the Minister, make regulations —

- (a) required or permitted to be prescribed by this Act; and
- (b) necessary or convenient to be prescribed for carrying out or giving effect to the purposes of this Act.

Repeal and transitional provisions

80.—(1) The Broadcasting and Television Act (Cap. 28) and the Singapore Broadcasting Corporation Act (Cap. 297) are repealed.

(2) Any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved under the repealed Singapore Broadcasting Corporation Act or the repealed Broadcasting and Television Act shall, 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, continue and be deemed to have been prepared, made, granted or approved by the Authority under the corresponding provisions of this Act.

(3) Any subsidiary legislation made under the repealed Singapore Broadcasting Corporation Act or the repealed Broadcasting and Television Act and in force immediately before the appointed day shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked by subsidiary legislation made under this Act.

(4) The enactments mentioned in the Sixth Schedule shall have effect subject to the amendments to the extent therein specified (being minor amendments consequential on the preceding provisions of this Act).

(5) The Minister may, by order published in the *Gazette*, repeal or amend any written law which appears to him to be unnecessary having regard to the provisions of this Act or to be inconsistent with any provision of this Act.

FIRST SCHEDULE

Section 2(1)

BROADCASTING APPARATUS

1. Broadcast television receiver.
2. Broadcast sound receiver.
3. Television receive-only satellite receiving system (TVRO system).

For the purposes of this Schedule —

“broadcast sound receiver” means any apparatus used for the aural reception of any broadcasting service;

“broadcast television receiver” means any apparatus used for the visual and aural reception in monochrome or colour of any broadcasting service;

“television receive-only satellite receiving system” means any apparatus (including a dish antenna) or any combination of apparatus capable of direct reception of any broadcasting service emitted from or passing through any communication or broadcast satellite in extra-terrestrial space.

SECOND SCHEDULE

Section 2(1)

LICENSABLE BROADCASTING SERVICES

1. Free-to-air nationwide television services.
2. Free-to-air localised television services.
3. Free-to-air international television services.
4. Subscription nationwide television services.
5. Subscription localised television services.
6. Subscription international television services.
7. Special interest television services.
8. Free-to-air nationwide radio services.
9. Free-to-air localised radio services.
10. Free-to-air international radio services.
11. Subscription nationwide radio services.
12. Subscription localised radio services.
13. Subscription international radio services.
14. Special interest radio services.
15. Audiotext services.
16. Videotext services.
17. Teletext services.
18. Video-on-demand services.
19. Broadcast data services.

For the purposes of this Schedule, a delivery system shall not, by reason only that facilities or expertise are provided for the delivery of any broadcasting service, be deemed to be a licensable broadcasting service.

THIRD SCHEDULE

Section 5(2)

CONSTITUTION AND PROCEEDINGS OF AUTHORITY

Appointment of Chairman, Deputy Chairman and other members

1.—(1) The Chairman, the Deputy Chairman and other members shall be appointed by the Minister.

THIRD SCHEDULE — *continued*

(2) The Deputy Chairman may, subject to such directions as may be given by the Chairman, exercise all or any of the powers exercisable by the Chairman under this Act.

(3) The Minister may appoint the Chief Executive to be a member.

Tenure of office of members

2. The Chairman, the Deputy Chairman and every other member shall, unless their appointment is revoked under paragraph 5 or they resign during their term of office under paragraph 6, hold office for such term as the Minister may determine.

Temporary Chairman or Deputy Chairman

3. The Minister may appoint any member to be a temporary Chairman or temporary Deputy Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman or the Deputy Chairman, as the case may be.

Temporary members

4. The Minister may appoint any person to be a temporary member during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any member.

Revocation of appointment

5. The Minister may, at any time, revoke the appointment of the Chairman or the Deputy Chairman or any member without assigning any reason.

Resignation

6. Any member may resign from his appointment at any time by giving notice in writing to the Minister.

Vacation of office of member

7. The office of a member shall be vacated if the member —

- (a) becomes in any manner disqualified for membership of the Authority;
- or
- (b) has been absent, without leave of the Authority, from 3 consecutive meetings of the Authority.

THIRD SCHEDULE — *continued***Filling of vacancy in office of member**

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

Disqualification from membership

9. No person shall be appointed or shall continue to hold office as a member if he —

- (a) is of unsound mind;
- (b) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or
- (c) is convicted of an offence involving dishonesty, fraud or moral turpitude and has not received a free pardon.

Member's interest to be made known

10.—(1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Authority shall disclose the nature of his interest at the first meeting of the Authority at which he is present after the relevant facts have come to his knowledge.

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

- (a) shall not take part in any deliberation or decision of the Authority with respect to that transaction or project; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Authority for such deliberation or decision.

(3) No act or proceedings of the Authority shall be questioned on the ground that a member has contravened this paragraph.

Salaries, fees and allowances payable to members

11. There shall be paid to the Chairman, the Deputy Chairman and other members out of the funds of the Authority such salaries, fees and allowances as the Minister may, from time to time, determine.

Meetings of Authority

12.—(1) The Authority shall meet for the despatch of business at such times and places as the Chairman may from time to time appoint.

THIRD SCHEDULE — *continued*

(2) At every meeting of the Authority, one-half of the total number of members shall form a quorum.

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

(4) The Chairman or in his absence the Deputy Chairman shall preside at meetings of the Authority.

(5) Where both the Chairman and the Deputy Chairman are absent at a meeting, such member as the members present may elect shall preside at the meeting.

(6) The Authority may act notwithstanding any vacancy in its membership.

(7) Subject to the provisions of this Act, the Authority may make standing orders to regulate its own procedure and, in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

Validity of acts of members

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

Appointment of committees and delegation of powers

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

(2) The Authority may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or the Chairman or the Chief Executive, all or any of the powers, functions and duties vested in the Authority by this Act or the regulations, and a power, function or duty so delegated may be exercised or performed by such committee or the Chairman or the Chief Executive, as the case may be, in the name and on behalf of the Authority.

(3) The Authority may, subject to such conditions or restrictions as it may think fit, delegate to any officer or employee thereof or any other person all or any of its powers, functions and duties vested in the Authority by this Act or any regulations, and any power, function or duty so delegated may be exercised or performed by the officer or employee or other person in the name and on behalf of the Authority.

THIRD SCHEDULE — *continued*

(4) The Authority may continue to exercise a power conferred upon it, or perform a function or duty under this Act or the regulations, notwithstanding the delegation of the power, function or duty under this paragraph.

FOURTH SCHEDULE

Section 7

POWERS OF AUTHORITY

1. To design and administer systems for the granting of broadcasting service licences and broadcasting apparatus licences.
2. To determine the hours during which broadcasting services may be transmitted.
3. To conduct investigations relating to the granting of broadcasting service licences and broadcasting apparatus licences.
4. To levy and collect any fees payable in respect of licences.
5. To conduct or commission research into community attitudes on issues relating to programmes, the state of public opinion concerning programmes, and the effect of any programmes broadcast on the attitudes and behaviour of persons who watch them.
6. To conduct researches and investigations necessary for the improvement and development of broadcasting and the reception thereof.
7. To develop with the assistance of broadcasting licensees Codes of Practice that, as far as possible, are in accordance with community standards.
8. To monitor compliance with Codes of Practice.
9. To develop programme standards relating to broadcasting.
10. To monitor compliance with programme standards.
11. To carry on such businesses and do such things as may arise out of the activities of the Authority or as may be necessary or expedient for the purpose of turning to account any property or rights of the Authority.
12. To incorporate companies for the purpose of performing things ancillary to its functions.
13. With the approval of the Minister, to enter into joint ventures or partnerships with other broadcasting authorities or international agencies or private organisations for the purpose of promoting broadcasting services.

FOURTH SCHEDULE — *continued*

14. To acquire or dispose of, in accordance with the provisions of this Act, any property, whether movable or immovable, which the Authority thinks necessary or expedient for the purpose of carrying out its functions under this Act.

15. To purchase, construct, reconstruct, instal and maintain broadcasting apparatus, all buildings and works used in connection therewith for the purpose of carrying out its functions.

16. To use all the property of the Authority, movable or immovable, in such a manner as the Authority may think expedient, including the raising of loans by mortgaging property.

17. To sell, hire, let or otherwise supply broadcasting apparatus acquired by the Authority for the purpose of carrying out its functions and to instal, repair, maintain or remove such broadcasting apparatus.

18. To receive donations and contributions from any source and to raise funds by all lawful means.

19. To provide training schemes, whether by itself or with the co-operation of other persons or bodies as the Authority thinks fit, for the employees of the Authority and others concerned with broadcasting services and cognate or ancillary services.

20. To grant loans to employees of the Authority for any purpose specifically approved by the Authority.

21. To provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of employees of the Authority.

22. To do anything incidental to any of its functions.

FIFTH SCHEDULE

Section 13

FINANCIAL PROVISIONS

Financial year

1. The financial year of the Authority shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the Authority shall begin on the appointed day and shall end on 31st March 1995.

Accounts to be kept

2. The Authority shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is

FIFTH SCHEDULE — *continued*

maintained over the assets of, or in the custody of, the Authority and over the expenditure incurred by the Authority.

Financial statements

3. The Authority shall, as soon as practicable in each year, prepare and submit financial statements in respect of the preceding financial year to the auditor appointed under paragraph 4(1).

Appointment of auditor

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

(2) A person shall not be qualified for appointment as an auditor under sub-paragraph (1) unless he is an approved company auditor under the Companies Act (Cap. 50).

Remuneration of auditor

5. The remuneration of the auditor shall be paid out of the funds of the Authority.

Powers of auditor

6. The auditor or any person authorised by him shall be entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Authority and may make copies of, or extracts from, any such accounting and other records.

Duties of auditor

7.—(1) The auditor shall in his report state —

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

(2) The auditor shall send a report of his audit to the Minister through the Authority.

FIFTH SCHEDULE — *continued*

(3) The auditor may at any other time report to the Minister through the Authority upon any matter arising out of the performance of his audit.

Failure to furnish information to auditor

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

(2) Any person who fails without reasonable excuse to comply with any requirement of the auditor under sub-paragraph (1) or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

Presentation of financial statements and auditor's report to Parliament

9.—(1) As soon as the financial statements have been audited in accordance with the provisions of this Act, the Authority shall send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of any report made by the auditor.

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

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

SIXTH SCHEDULE

Section 80(4)

CONSEQUENTIAL AMENDMENTS

Interpretation

1. In this Schedule and in any written law amended by this Schedule, “broadcasting licence”, “broadcasting licensee” and “broadcasting service” have the same meanings as in section 2 of this Act.

References to repealed Singapore Broadcasting Corporation Act

2. In any written law, any reference to the repealed Singapore Broadcasting Corporation Act (Cap. 297) shall be read as a reference to this Act.

SIXTH SCHEDULE — *continued***References to Singapore Broadcasting Corporation**

3. The references to the Singapore Broadcasting Corporation in any written law shall be read as references to the Singapore Broadcasting Authority.

Amendments to Telecommunication Authority of Singapore Act

4. The Telecommunication Authority of Singapore Act (Cap. 323) is amended —

- (a) by deleting the words “and television” in the sixth line of paragraph (a) of section 6(1) and substituting the word “service”;
- (b) by deleting paragraph (b) of section 25 and substituting the following paragraph:

“(b) the operation of any telecommunication system in the course of their duties by the officers and men of the Singapore Armed Forces, the Singapore Police Force, the Singapore Civil Defence Force or of any visiting force lawfully present in Singapore.”; and

- (c) by deleting section 129 and substituting the following section:

“Excluded matters

129. This Act shall not apply to the licensing of any broadcasting service or any broadcasting apparatus under the Singapore Broadcasting Authority 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 30.”.

Amendments to Copyright Act

5. The Copyright Act (Cap. 63) is amended —

- (a) by deleting the definition of “Singapore Broadcasting Corporation” in section 7(1);
- (b) by deleting the words “or for the Singapore Broadcasting Corporation” in section 21(2);
- (c) by deleting paragraphs (a) and (b) of section 89 and substituting the following paragraphs:

“(a) in a television broadcast made from a place in Singapore by the holder of a broadcasting licence; and

(b) in a sound broadcast made from a place in Singapore by the holder of a broadcasting licence.”;

SIXTH SCHEDULE — *continued*

(d) by deleting section 99 and substituting the following section:

“Ownership of copyright in television broadcasts and sound broadcasts

99. Subject to Part X, a person who is or has been a holder of a broadcasting licence is the owner of any copyright subsisting in a television broadcast or sound broadcast, as the case may be, made by that person.”;

(e) by deleting the words “the Singapore Broadcasting Corporation or a person holding a licence to operate a television or broadcasting station” in section 107 and substituting the words “a person holding a broadcasting licence”;

(f) by deleting the words “The Singapore Broadcasting Corporation or any qualified person who is the holder of a licence for a television or broadcasting station” in the first, second and third lines of section 146(1) and substituting the words “Any qualified person who is the holder of a broadcasting licence”; and

(g) by deleting the words “the Singapore Broadcasting Corporation” in the last line of section 184(1)(e) and substituting the words “a broadcasting licensee”.
