



THE STATUTES OF THE REPUBLIC OF SINGAPORE

BROADCASTING ACT 1994

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Broadcasting Act 1994

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An Act to regulate dealing in, the operation of and ownership in broadcasting services and broadcasting apparatus, and for matters connected therewith.

[1 October 1994]

PART 1

PRELIMINARY

Short title

1. This Act is the Broadcasting Act 1994.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —
 - “Authority” means the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016;
 - “broadcasting apparatus” 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 20 in respect of broadcasting apparatus, and “broadcasting apparatus licensee” is to be construed accordingly;

“broadcasting licence” means a licence granted under section 8 or 9 for the provision of a licensable broadcasting service, and “broadcasting licensee” is to 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;

“Chief Executive”, in relation to the Authority, means the Chief Executive of the Authority appointed under section 40(1) of the Info-communications Media Development Authority Act 2016, and includes any individual acting in that capacity;

“class licence” means a licence determined under section 9 to be applicable to certain licensable broadcasting services, and “class licensee” is to be construed accordingly;

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

“debenture” includes debenture stock;

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

“encrypted” means treated electronically or otherwise to prevent intelligible reception;

“free-to-air broadcasting service” means a licensable broadcasting service made available for reception in at least 2 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” is to be construed accordingly;

“licence” means a licence granted under any provision of this Act, and “licensee” is to 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 —

(c) any communication between 2 or more persons that is of a private or domestic nature;

(d) any internal communication of a business, Government agency or other organisation for the purpose of the operation of the business, agency or organisation; and

(e) 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.

[22/2016]

(2) In this Act, unless the context otherwise requires, “part of the public” includes —

- (a) residents in a particular place;
- (b) employees of any firm, company or organisation;
- (c) occupiers of a particular building or part of the building;
and
- (d) members of any profession, club or society.

(3) For the purposes of this Act, a company is 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 2

PROVISIONS RELATING TO AUTHORITY

Directions by Minister

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

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

- (a) when any public emergency occurs, 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 must give immediate effect to any directions given to the person under subsection (1) or (2) despite any other duty imposed on the person by or under this Act.

(5) A person to whom this section applies must not disclose any directions given to the person under subsection (1) or (2) if the Minister notifies the person 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 Minister's directions 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 Minister's directions under any other provisions of this section.

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

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

(9) If any doubt arises as to —

- (a) the existence of a public emergency; or
- (b) whether any act done under this section was in the public interest or in the interests of public security, national defence or relations with the government of another country,

a certificate signed by the Minister is conclusive evidence of the matters stated in the certificate.

Exclusion of liability of Authority for act or default of licensees

4. 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 3

LICENSING SCHEME

Power of Authority to grant licences

- 5.—(1) The Authority may grant the following licences:
- (a) broadcasting licences;
 - (b) broadcasting apparatus licences.

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

Codes of Practice

6.—(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) Any provision in any Code of Practice that is inconsistent with any regulations is, to the extent of the inconsistency —

- (a) to have effect subject to the regulations; or
- (b) where appropriate, having regard to the regulations, to have no effect.

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

Restriction on transfer of licences

7.—(1) A licence must not be transferred to any other person without the prior written consent of the Authority to the transfer to that person.

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

PART 4

BROADCASTING SERVICES

Licensing of broadcasting services

8.—(1) A person must not provide any licensable broadcasting service in or from Singapore without a broadcasting licence granted by the Authority under this section or granted under section 9.

(2) Every broadcasting licence (other than a class licence) granted by the Authority must 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 while the licence is in force or both of such amount as the Authority may determine by or under the licence.

(4) Without limiting subsection (2), conditions attached to a free-to-air licence granted under this section may include —

- (a) a condition requiring the licensee to broadcast any programmes that 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 any language that 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

9.—(1) The Authority may, by notification 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 any conditions that it thinks 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

10.—(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 must 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 as described in section 12(1)(a) or any other default of the licensee) the compensation payable (if any) for any damage caused by the modification; and

(b) specifying the time (being at least 28 days from the date of service of notice on the licensee) within which written representations with respect to the proposed modification may be made.

(3) Upon receiving any written representation mentioned in subsection (2)(b), the Authority must consider the 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, must thereupon issue a direction in writing to the broadcasting 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 receiving the direction, appeal to the Minister whose decision is final.

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

(a) during the period mentioned in subsection (4); and

(b) while the broadcasting licensee's appeal 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 immediately carry out the modification as specified in the notice given under that subsection.

Modification of class licence conditions

11. The Authority may, by notification 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.

12.—(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 written notice and without any compensation, do either or both of the following:

- (e) cancel the licence or suspend the licence for any period that 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 any period that the Authority thinks fit;
- (f) 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 receiving the notice mentioned in subsection (1), appeal to the Minister whose decision is final.

(3) In this section, “Code of Practice” includes —

- (a) a code of practice issued by the Authority under section 61 of the Info-communications Media Development Authority Act 2016; and
- (b) a code of practice issued under section 17 of the Media Development Authority of Singapore Act (Cap. 172, 2003 Revised Edition) before the repeal of that Act by

the Info-communications Media Development Authority
Act 2016.

[22/2016]

Compliance with Codes of Practice, etc.

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

(2) A broadcasting licensee must not allow to be transmitted a broadcasting service other than in accordance with —

- (a) any broadcast standards specified in any regulations or Code of Practice; or
- (b) any condition which may be incorporated in its broadcasting licence.

Free-to-air broadcasting services

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

(2) Each free-to-air broadcasting service must be broadcast for at least such number of hours during each day as may be specified in the free-to-air licence.

Submission of broadcasting material to Authority

15.—(1) A broadcasting licensee must 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) must —

- (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

16.—(1) The Authority may issue directions in writing to a broadcasting licensee requiring the licensee to take any action with regard to the contents of programmes or advertisements or to broadcast standards that 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 each 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

17. A broadcasting licensee must include, within the broadcasting services required to be broadcast by it under its broadcasting licence, any programmes provided by the Authority or the Government through the Authority as may be required by the Authority under the conditions of its licence, including —

- (a) programmes for schools or other educational programmes;
- (b) news and information programmes produced in Singapore or elsewhere;
- (c) arts and cultural programmes; and
- (d) drama and sports programmes produced in Singapore.

General requirements in respect of public service programmes

18.—(1) Programmes required under section 17 or pursuant to a condition attached to a broadcasting licence to be broadcast by a

broadcasting licensee must 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 must, on the request of the Authority and on receiving 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 17 or pursuant to a condition attached to its broadcasting licence.

“Must carry” provision

19.—(1) Despite 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 the direction is given must 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 must 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 by the direction; and

(b) specifying the time (being at least 28 days from the date the notice is served on the broadcasting licensee) within which written representations with respect to the proposed directions may be made.

(4) Upon receiving any written representation mentioned in subsection (3)(b), the Authority must 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, must thereupon issue a direction in writing to the broadcasting licensee requiring that effect be given to the proposed direction specified in the notice or to such direction 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 receiving the direction, appeal to the Minister whose decision is final.

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

- (a) during the period mentioned in subsection (5); and
- (b) while the broadcasting licensee's appeal 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 immediately give effect to the requirements of the direction given under this section.

PART 5

BROADCASTING APPARATUS

Licensing of broadcasting apparatus

20.—(1) Subject to this section, a person must not —

- (a) install 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 the person's possession with a view to sale, any broadcasting apparatus; or

- (c) operate or have on any premises in Singapore owned or occupied by the person 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) must be in such form and for such period and may contain such terms and conditions as the Authority may determine.

(3) Subsection (1) is not to be construed as requiring any person who works a broadcasting apparatus in the course of the person's 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

21. Sections 10, 12 and 16 apply, with the necessary modifications, to broadcasting apparatus licences and broadcasting apparatus licensees.

PART 6

FREQUENCY PLANNING

Frequency planning criteria

22. In performing its functions under this Act, the Authority must 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) any other matters that the Authority considers appropriate.
[22/2016]

23. [Repealed by Act 22 of 2016]

Separate licence for use of frequency not required

24. Despite anything in the Telecommunications Act 1999, 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 is not required to obtain any other licence under this Act or the Telecommunications Act 1999 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 7

BROADCASTING CONDITIONS

Transmission area requirements

25.—(1) A broadcasting licensee must, within the time that may be specified in its broadcasting licence, broadcast in a manner that enables its broadcasting services to be received to the satisfaction of the Authority in all parts of Singapore or any parts of Singapore that the Authority may specify.

(2) If the Authority so directs, a free-to-air licensee must publish, in the manner that the Authority may require, notice 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

26.—(1) The Authority may direct any broadcasting licensee or broadcasting apparatus licensee to coordinate and cooperate, 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 (other than a telecommunication system licensed under section 5 of the Telecommunications Act 1999) 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) The Authority may direct any broadcasting licensee to coordinate and cooperate, in such manner and on such terms as the Authority may specify, with any telecommunication licensee in the use or sharing of any, or part of any, installation, plant or system owned or used by the telecommunication licensee, where the Authority is of the view that such coordination and cooperation is necessary for the provision of any broadcasting service.

(3) In this section, “telecommunication licensee” and “telecommunication system” have the meanings given by section 2 of the Telecommunications Act 1999.

Inspection and testing of broadcasting apparatus

27.—(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) For the purpose of any inspection or test under subsection (1), the directors, principal officers and other employees of a broadcasting apparatus licensee must —

- (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 developer or owner of building or land

28.—(1) Where the Authority —

- (a) considers it necessary that any licensable broadcasting service should be provided to any building; and
- (b) 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 the period that 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 —

- (a) considers it necessary that the reception of any licensable broadcasting service in any building in any area should be facilitated; and
- (b) 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 the period that 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 must 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) any other requirements that 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) is to 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 broadcasting apparatus or installation or plant.
- (6) In 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 8

FOREIGN BROADCASTING SERVICES

Orders proscribing unacceptable foreign broadcasting services

29.—(1) Subject to this section, the Minister may make an order proscribing a foreign broadcasting service for the purposes of section 30.

(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 must 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 must 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 30, “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

30.—(1) This section applies to any foreign broadcasting service which is proscribed for the purposes of this section by virtue of an order made under section 29, 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 the person or services provided by the person;
- (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) Any 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 are 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 the person's possession for supply is deemed to offer to supply it.

PART 9

DECLARED FOREIGN BROADCASTING SERVICES

Declared foreign broadcasting services

31.—(1) The Minister may, by order in the *Gazette*, declare any foreign broadcasting service rebroadcast in Singapore on any relevant licensable broadcasting service to be a foreign broadcasting service engaging in the domestic politics of Singapore.

(2) A person must not, without the prior approval of the Minister, include any declared foreign broadcasting service for rebroadcast in Singapore on any relevant licensable broadcasting service.

(3) The Minister may —

- (a) grant his or her approval under subsection (2) subject to any conditions that he or she thinks fit;
- (b) refuse to grant his or her approval; or
- (c) revoke his or her approval at any time without giving any reason.

(4) Without limiting subsection (3), the Minister may, in imposing conditions under that subsection, specify that —

- (a) the number of persons capable of receiving any declared foreign broadcasting service rebroadcast in Singapore on any relevant licensable broadcasting service must be restricted in any manner that the Minister may direct; and

- (b) the rebroadcast of any declared foreign broadcasting service on any relevant licensable broadcasting service in Singapore must be suspended for any period that the Minister may direct.

(5) Any person who contravenes subsection (2) or fails to comply with any condition imposed under subsection (3)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000.

(6) In this section —

“foreign broadcasting service” means —

- (a) any broadcasting service transmitting from a place outside Singapore; or
- (b) any broadcasting service transmitting from a place in Singapore but which is owned, controlled or managed by or on behalf of —
 - (i) the government of a country outside Singapore or the agent of that government, whether resident in Singapore or otherwise;
 - (ii) 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; or
 - (iii) any person who is not a citizen of Singapore, whether or not he or she is resident in Singapore;

“relevant licensable broadcasting service” means a licensable broadcasting service specified in the first column of the Third Schedule provided by a person specified in the second column of that Schedule opposite the licensable broadcasting service.

PART 10

OWNERSHIP AND CONTROL OF BROADCASTING
COMPANIES**Application of this Part to broadcasting company**

32.—(1) This Part applies to every broadcasting company unless exempted by the Minister under section 60(b).

(2) In this Part —

“broadcasting company” means a company incorporated or registered under the Companies Act 1967 which holds a relevant licence, or a broadcasting holding company;

“broadcasting holding company” means a holding company of a company incorporated or registered under the Companies Act 1967 which holds a relevant licence;

“holding company” has the meaning given by section 5 of the Companies Act 1967;

“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) any other broadcasting licence that the Minister may specify in the public interest or in the interests of public security or order, or national defence.

Special features of broadcasting company

33.—(1) A broadcasting company must not, on or after 2 September 2002, appoint a person as its chief executive officer or director, or as the chairperson of its board of directors, unless it has obtained the approval of the Authority.

(2) Unless the Authority otherwise approves, the chief executive officer of a broadcasting company and at least one-half of its directors must be citizens of Singapore.

(3) No chief executive officer, director, or chairperson of the board of directors, of a broadcasting company who was appointed before 2 September 2002 is to be permitted by the broadcasting company to act as such on or after that date unless —

- (a) his or her appointment as chief executive officer, director, or chairperson of the board of directors, of the broadcasting company was approved by the Authority before 2 September 2002; or
- (b) his or her appointment as chief executive officer, director, or chairperson of the board of directors, of the broadcasting company is approved by the Authority on a written application by the broadcasting company made within 6 months after 2 September 2002 or any longer period that the Authority may allow.

(4) Where the Authority does not approve the appointment of a person as chief executive officer, director or chairperson of the board of directors under subsection (3)(b), the broadcasting company must immediately remove the person from such office.

(5) Any broadcasting company which contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part of a day during which the offence continues after conviction.

(6) This section has effect despite the provisions of any other written law or of the memorandum or articles of association, or other constitution, of a broadcasting company.

(7) In this section —

“chief executive officer”, in relation to a broadcasting company, means any person, by whatever name described, who is —

- (a) in the direct employment of, or acting for or by arrangement with, the broadcasting company; and

(b) principally responsible for the management and conduct of any type of business of the broadcasting company in Singapore,

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

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

Application and interpretation of this section and sections 35 to 42

34.—(1) This section and sections 35 to 42 apply to, and in relation to, all individuals whether resident in Singapore or not and whether citizens of Singapore or not, and to all bodies corporate or unincorporate, whether incorporated or carrying on business in Singapore or not.

(2) In sections 35 to 42, unless the context otherwise requires —

“arrangement” includes any formal or informal scheme, arrangement or understanding, and any trust whether express or implied;

“share” includes stock except where a distinction between stock and shares is expressed or implied;

“substantial shareholder” has the meaning given by section 81 of the Companies Act 1967;

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

Control of substantial shareholdings in broadcasting companies

35.—(1) A person must not, on or after 2 September 2002, become a substantial shareholder of a broadcasting company without first obtaining the approval of the Minister.

(2) Subject to section 37(4), a person who, immediately before 2 September 2002, is a substantial shareholder of a broadcasting company must not continue to be a substantial shareholder unless the

person has, within 6 months after 2 September 2002 or any longer period that the Minister may allow, applied to the Minister for approval to continue to be a substantial shareholder.

(3) A person must not, on or after 2 September 2002, enter into any agreement or arrangement, whether oral or in writing and whether express or implied, to act together with any other person with respect to the acquisition, holding or disposal of, or the exercise of rights in relation to, their interests in voting shares of an aggregate of more than 5% of the total votes attached to all voting shares in a broadcasting company without first obtaining the approval of the Minister.

(4) Subject to section 37(4), a person who, at any time before 2 September 2002, has entered into any agreement or arrangement mentioned in subsection (3) must not continue to be a party to the agreement or arrangement unless the person has, within 6 months after 2 September 2002 or any longer period that the Minister may allow, applied to the Minister for approval to continue to be a party to the agreement or arrangement.

(5) For the purposes of this section, a person has an interest in any share if —

- (a) the person is deemed to have an interest in that share under section 7 of the Companies Act 1967; or
- (b) the person otherwise has a legal or an equitable interest in that share except for any interest that is to be disregarded under section 7 of the Companies Act 1967.

Control of shareholdings and voting power in broadcasting companies

36.—(1) A person must not, on or after 2 September 2002, become —

- (a) a 12% controller; or
- (b) an indirect controller,

of a broadcasting company without first obtaining the approval of the Minister.

(2) Subject to section 37(4), a person who, immediately before 2 September 2002, is —

- (a) a 12% controller; or
- (b) an indirect controller,

of a broadcasting company must not continue to be such a controller unless the person has, within 6 months after 2 September 2002 or any longer period that the Minister may allow, applied to the Minister for approval to continue to be such a controller.

(3) In subsections (1)(a) and (2)(a), “12% controller” means a person who alone or together with the person’s associates —

- (a) holds at least 12% of the shares in the broadcasting company; or
- (b) is in a position to control voting power of at least 12% in the broadcasting company.

(4) For the purposes of subsection (3) —

- (a) a person holds a share if —
 - (i) the person is deemed to have an interest in that share under section 7(6) to (10) of the Companies Act 1967; or
 - (ii) the person otherwise has a legal or an equitable interest in that share except for any interest that is to be disregarded under section 7(6) to (10) of the Companies Act 1967;
- (b) a reference to the control of a percentage of the voting power in a broadcasting company is a reference to the control, whether direct or indirect, of that percentage of the total number of votes that might be cast in a general meeting of the broadcasting company; and
- (c) a person (*A*) is an associate of another person (*B*) if —
 - (i) *A* is the spouse or a parent, step-parent or remoter lineal ancestor, or a son, stepson, daughter, stepdaughter or remoter issue, or a brother or sister, of *B*;

- (ii) *A* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B*, or where *B* is a corporation, of the directors of *B*;
- (iii) *B* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *A*, or where *A* is a corporation, of the directors of *A*;
- (iv) *A* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B*;
- (v) *B* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *A*;
- (vi) *A* is a related corporation of *B*;
- (vii) *A* is a corporation in which *B*, alone or together with other associates of *B* as described in sub-paragraphs (ii) to (vi), is in a position to control at least 20% of the voting power in *A*;
- (viii) *B* is a corporation in which *A*, alone or together with other associates of *A* as described in sub-paragraphs (ii) to (vi), is in a position to control at least 20% of the voting power in *B*; or
- (ix) *A* is a person with whom *B* has an agreement or arrangement, whether oral or in writing and whether express or implied, to act together with respect to the acquisition, holding or disposal of shares or other interests in, or with respect to the exercise of their voting power in relation to, the broadcasting company.

(5) In subsections (1)(b) and (2)(b), “indirect controller” means any person, whether acting alone or together with any other person and whether with or without holding shares or controlling voting power in a broadcasting company —

- (a) in accordance with whose directions, instructions or wishes the directors of the broadcasting company are accustomed or under an obligation, whether formal or informal, to act; or
- (b) who is in a position to determine the policy of the broadcasting company,

but does not include any person —

- (c) who is a director or other officer of the broadcasting company whose appointment has been approved by the Authority; or
- (d) in accordance with whose directions, instructions or wishes the directors of the broadcasting company are accustomed to act by reason only that they act on advice given by the person in the person’s professional capacity.

Approval of applications

37.—(1) The Minister may approve an application made by any person under section 35 or 36 if the Minister is satisfied that —

- (a) the person is a fit and proper person;
- (b) having regard to the person’s likely influence, the broadcasting company will or will continue to conduct its business prudently and comply with the provisions of this Act; and
- (c) it is in the national interest to do so.

(2) Any approval under this section may be granted to any person subject to any conditions that the Minister may determine, including but not limited to any condition —

- (a) restricting the person’s disposal or further acquisition of shares or voting power in the broadcasting company; or

(b) restricting the person's exercise of voting power in the broadcasting company.

(3) Any condition imposed under subsection (2) has effect despite any of the provisions of the Companies Act 1967 or anything contained in the memorandum or articles of association, or other constitution, of the broadcasting company.

(4) Where the Minister does not approve an application made by any person under section 35(2) or (4) or 36(2), the person must, within the time that the Minister may specify, take such steps as are necessary —

(a) in the case of section 35(2), to cease to be a substantial shareholder;

(b) in the case of section 35(4), to cease to be a party to the agreement or arrangement; or

(c) in the case of section 36(2), to cease to be —

(i) a 12% controller; or

(ii) an indirect controller,

as the case may be.

Power to make further transitional provisions

38. The Minister may, by order in the *Gazette*, make such further transitional provisions as he or she considers necessary or expedient for the purposes of section 35, 36 or 37.

Objection to existing control of broadcasting company

39.—(1) The Minister may serve a written notice of objection on any person mentioned in section 35 or 36 if the Minister is satisfied that —

(a) any condition of approval imposed on the person under section 37(2) has not been complied with;

(b) the person ceases to be a fit and proper person;

(c) having regard to the person's likely influence, the broadcasting company is no longer likely to conduct its

business prudently or to comply with the provisions of this Act;

- (d) it is no longer in the national interest to allow the person to continue to be a party to the agreement or arrangement described in section 35(3) or (4), or to continue to be a substantial shareholder, a 12% controller or an indirect controller, as the case may be;
- (e) the person has provided false or misleading information or documents in connection with an application under section 35 or 36; or
- (f) the Minister would not have granted his or her approval under section 37 had the Minister been aware, at that time, of the circumstances relevant to the person's application for the approval.

(2) Before serving a written notice of objection, the Minister must, unless he or she decides that it is not practicable or desirable to do so, cause to be given to the person concerned written notice of the Minister's intention to serve the written notice of objection, specifying a date by which the person may make written representations with regard to the proposed written notice of objection.

(3) Upon receiving the written representations of any person mentioned in subsection (2), the Minister must consider the written representations for the purpose of determining whether to issue a written notice of objection.

(4) The Minister must, in any written notice of objection, specify a reasonable period within which the person to be served the written notice of objection must —

- (a) take such steps as are necessary to ensure that the person ceases to be a party to the agreement or arrangement described in section 35(3) or (4), or ceases to be a substantial shareholder, a 12% controller or an indirect controller, as the case may be; or
- (b) comply with any direction or restriction that the Minister may make under section 40.

(5) Any person served with a written notice of objection under this section must comply with the notice.

Power to make directions

40.—(1) Without affecting section 41, if the Minister is satisfied that any person has contravened section 35, 36, 37(4) or 39(5) or any condition imposed under section 37(2), or if the Minister has served a written notice of objection under section 39, the Minister may, by written notice —

- (a) direct the transfer or disposal of all or any of the shares in the broadcasting company held by the person or any of the person's associates (called in this section the specified shares) within such time and subject to such conditions as the Minister considers appropriate;
- (b) restrict the transfer or disposal of the specified shares; or
- (c) make any other direction or restriction that the Minister considers appropriate.

(2) Any person to whom a notice is served under subsection (1) must comply with any direction or restriction that may be specified in the notice.

(3) In the case of any direction or restriction made under subsection (1)(a) or (b), despite any of the provisions of the Companies Act 1967 or anything contained in the memorandum or articles of association, or other constitution, of the broadcasting company —

- (a) no voting rights are exercisable in respect of the specified shares unless the Minister expressly permits those rights to be exercised;
- (b) no shares of the broadcasting company are to be issued or offered (whether by way of rights, bonus or otherwise) in respect of the specified shares unless the Minister expressly permits such issue or offer; and
- (c) except in a liquidation of the broadcasting company, no payment is to be made by the broadcasting company of any amount (whether by way of dividends or otherwise) in

respect of the specified shares unless the Minister expressly authorises such payment,

until a transfer or disposal is effected in accordance with the direction or until the restriction on a transfer or disposal is removed, as the case may be.

(4) In this section, “associate” has the meaning given by section 36(4)(c).

Offences, penalties and defences

41.—(1) Any person who contravenes section 35, 36(1)(a) or (2)(a) or 37(4)(a), (b) or (c)(i) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part of a day during which the offence continues after conviction.

(2) Any person who contravenes section 36(1)(b) or (2)(b), 37(4)(c)(ii), 39(5) or 40(2) or any condition imposed under section 37(2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part of a day during which the offence continues after conviction.

(3) Where a person is charged with an offence in respect of a contravention of section 35 or 36, it is a defence for the person to prove that —

- (a) the person was not aware that the person had contravened section 35 or 36, as the case may be; and
- (b) the person has, within 14 days of becoming aware that the person had contravened section 35 or 36 (as the case may be), notified the Minister of the contravention and, within the time that may be determined by the Minister, taken such actions in relation to the person’s shareholding or control of the voting power in the broadcasting company as the Minister may direct.

(4) Where a person is charged with an offence in respect of a contravention of section 36(1), it is also a defence for the person to prove that, even though the person was aware of the contravention —

- (a) the contravention occurred as a result of an increase in the shareholding as described in section 36(4)(a) of, or in the voting power controlled by, any of his associates described in section 36(4)(c)(i);
- (b) the person has no agreement or arrangement, whether oral or in writing and whether express or implied, with that associate with respect to the acquisition, holding or disposal of shares or other interests in, or under which they act together in exercising their voting power in relation to, the broadcasting company; and
- (c) the person has, within 14 days of the date of the contravention, notified the Minister of the contravention and, within the time that may be determined by the Minister, taken such action in relation to the person's shareholding or control of the voting power in the broadcasting company as the Minister may direct.

(5) Except as provided in subsections (3) and (4), it is not a defence for a person charged with an offence in respect of a contravention of section 35 or 36 to prove that the person did not intend to or did not knowingly contravene section 35 or 36, as the case may be.

Power to obtain information

42.—(1) The Authority may, by written notice, direct any broadcasting company to obtain from any of its shareholders and to transmit to the Authority information —

- (a) as to whether that shareholder holds any share in the broadcasting company as beneficial owner or as trustee; and
- (b) if the shareholder holds the share as trustee, to indicate, so far as the shareholder can, the person for whom the shareholder holds the share (either by name or by other

particulars sufficient to enable that person to be identified) and the nature of that person's interest,

and the broadcasting company must comply with that direction within the time that may be specified in the notice.

(2) The Authority may, by written notice, require any shareholder of a broadcasting company, or any person who appears from the information provided to the Authority under subsection (1) or this subsection to have an interest in any share in a broadcasting company, to inform the Authority —

- (a) whether the person holds that interest as beneficial owner or as trustee, and if the person holds the interest as trustee, to indicate, so far as he or she can, the person for whom he or she holds the interest (either by name or by other particulars sufficient to enable that person to be identified) and the nature of his or her interest; or
- (b) whether any share or any voting right attached to the share is the subject of an agreement or arrangement described in section 35(3) or (4) or 36(4)(c)(ix), and if so, to give particulars of the agreement or arrangement and the parties to it,

and the person must comply with the notice within the time that may be specified in the notice.

(3) Any person who —

- (a) fails to comply with a notice under this section; or
- (b) in purported compliance of the notice, knowingly or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 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 \$5,000 for every day or part of a day during which the offence continues after conviction.

Funds from foreign source for purposes of certain broadcasting service

43.—(1) Subject to this section, a person must not, without the prior consent of the Authority, receive any fund from any foreign source for the purposes of financing, directly or indirectly, wholly or partly, 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 any information that it may require to be provided to it, that the fund from a foreign source is intended for bona fide commercial purposes.

(3) Despite subsection (1), where any fund from a foreign source is sent to a person without the person's prior knowledge, consent or solicitation and the fund is intended for or given by the sender for any purpose mentioned in that subsection, that person must, within 7 days of receiving the fund, 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 mentioned in subsection (1) and the Authority refuses to grant consent to retain the fund, the person must, within the time that is specified by the Authority, return the fund to its sender 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 receiving the fund, to the company's chief executive 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 is presumed to be from a foreign source until the contrary is proved.

(7) Nothing in this section applies 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 subsection (1), (3) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both, 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) In this section and section 44 —

“foreign source” includes —

- (a) the government of a country outside Singapore or the agent of that 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 or she is resident in Singapore;
- (d) any —
 - (i) body corporate formed or incorporated in Singapore, one or more of whose members or directors are not citizens of Singapore, or in the case of a member being another company, where one or more of the members or directors of that company are not citizens of Singapore; or
 - (ii) unincorporated association or body constituted under any law in force in Singapore, one or more of whose members or directors are not citizens of Singapore, or in the case of a member being another company, where one or

more of the members or directors of that company are not citizens of Singapore,

as the Minister may, by notification in the *Gazette*, declare to be a foreign source; or

- (e) any other source outside Singapore that the Minister may, by notification in the *Gazette*, declare to be a foreign source;

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

“fund from a foreign source” includes any fund provided by a foreign source indirectly through any agent of the foreign source.

Broadcasting company owned by foreign source

44.—(1) A company must not, unless the Minister otherwise approves, be granted or hold a relevant licence if the Minister is satisfied that —

- (a) any foreign source, alone or together with one or more other foreign sources —
 - (i) holds at least 49% of the shares in the company or its holding company; or
 - (ii) is in a position to control voting power of at least 49% in the company or its holding company; or
- (b) all or a majority of the persons having the direction, control or management of the company or its holding company are —
 - (i) appointed by; or
 - (ii) accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of,any foreign source, whether acting alone or together with one or more other foreign sources.

(2) Where the Minister does not grant his or her approval under subsection (1) for a company to hold a relevant licence (whether the licence is granted before, on or after 2 September 2002), the Authority must, within such time and in such manner as the Minister may specify, cancel the licence by written notice and without any compensation.

(3) For the purposes of this section —

(a) a person holds a share if —

(i) the person is deemed to have an interest in that share under section 7(6) to (10) of the Companies Act 1967; or

(ii) the person otherwise has a legal or an equitable interest in that share except for any interest that is to be disregarded under section 7(6) to (10) of the Companies Act 1967;

(b) a reference to the control of a percentage of the voting power in a broadcasting company is a reference to the control, whether direct or indirect, of that percentage of the total number of votes that might be cast in a general meeting of the broadcasting company.

Appeal under this Part

45. 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 is final.

PART 11

OFFENCES AND PENALTIES

Offences relating to licensable broadcasting services

46. Any person who contravenes section 8(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 of a day during which the offence continues after conviction.

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

47. Any person who contravenes section 20(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.

Offences relating to unauthorised decoders and unauthorised reception of encrypted programmes

48.—(1) A person must not manufacture, assemble, modify, import, export, sell, offer for sale, let for hire or otherwise distribute any decoder which the person knows is an unauthorised decoder.

(2) A person must not wilfully receive or rebroadcast any encrypted programme which has been decoded without the authorisation of the lawful provider of a broadcasting service who had broadcast the programme.

(3) Any person who contravenes subsection (1) or (2) 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.

(4) Where it is proved that a person has manufactured, assembled, modified, imported, exported, sold, offered for sale, let for hire or otherwise distributed any unauthorised decoder, it is presumed, unless there is evidence to the contrary, that the person knew that the decoder was an unauthorised decoder.

(5) In this section and section 48A —

“decoder” means any apparatus or device (including a computer program) or any component or part thereof which is designed

or adapted to enable (whether on its own or with any other apparatus or device) an encrypted programme to be decoded; “lawful provider”, in relation to a broadcasting service, means —

- (a) a person who holds a broadcasting licence; or
- (b) in the case of a broadcasting service transmitted from a place outside Singapore, the person who is authorised to provide the broadcasting service in accordance with the laws of that place;

“unauthorised decoder” means a decoder which is designed or adapted to enable an encrypted programme to be viewed in decoded form without the authorisation of the lawful provider of a broadcasting service who had broadcast the programme.

Civil action in relation to unauthorised decoders and decoded programmes

48A.—(1) Where —

- (a) a person does an act mentioned in section 48(1) in relation to an unauthorised decoder;
- (b) the unauthorised decoder is used to decode an encrypted programme; and
- (c) the lawful provider of a broadcasting service who had broadcast the encrypted programme or the owner of the copyright in the programme has thereby suffered any loss or damage,

the lawful provider of the broadcasting service or the owner of the copyright in the programme (as the case may be) may bring a civil action against the person mentioned in paragraph (a).

(2) Where —

- (a) a person does an act mentioned in section 48(2) in relation to an encrypted programme that has been decoded without the authorisation of the lawful provider of a broadcasting service who had broadcast the programme; and

- (b) the lawful provider of the broadcasting service or the owner of the copyright in the programme has thereby suffered any loss or damage,

the lawful provider of the broadcasting service or the owner of the copyright in the programme (as the case may be) may bring a civil action against the person mentioned in paragraph (a).

(3) An action must not be brought under subsection (1) or (2) after the expiry of 6 years from the time the relevant act under section 48(1) or (2) (as the case may be) took place.

Offence of hindering employee or agent of Authority

49. Any person who obstructs or hinders any employee or agent of the Authority acting in the discharge of the employee's or agent's duty under this Act 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

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

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

(3) Any person who —

- (a) intentionally alters, suppresses or destroys any document which the person has been required by any notice under subsection (1) to provide; or
- (b) in providing any estimate, return or other information required of the person under any notice under subsection (1), makes any statement which the person

knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be guilty of an offence.

(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 12 months or to both.

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

51.—(1) Any police officer or any employee authorised by the Authority may, if he or she has reasonable grounds for believing that —

- (a) a broadcasting service has been or is being provided in contravention of this Act;
- (b) a broadcasting service has been or is being provided in breach of any licence; or
- (c) any broadcasting apparatus used is not licensed by the Authority,

enter and inspect any premises and seize any broadcasting apparatus found in the premises 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 is to be taken and deemed to be forfeited to the Authority unless a claim is made within 2 months from the date of seizure.

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

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

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

Power of arrest and search

52.—(1) The Chief Executive or any employee of the Authority the Chief Executive authorises 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 an arrestable offence under this Act; or
- (b) any person against whom a reasonable suspicion exists that the person has been guilty of an arrestable offence under this Act,

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

[22/2016]

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

(3) For the purposes of this section, offences punishable under sections 30, 46, 47 and 48 are deemed to be arrestable offences within the meaning of the Criminal Procedure Code 2010.

No entitlement to costs or damages

53. No person is entitled, 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, 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

54. Nothing in this Act prevents any person —

- (a) from being prosecuted under any other written law for any act or omission which constitutes an offence under that law; or
- (b) from being liable under that other written law to any punishment or penalty higher or other than that provided by this Act,

but no person is to be punished twice for the same offence.

Conduct of proceedings by officers

55. Proceedings in respect of any offence under this Act may, with the authorisation of the Public Prosecutor, be conducted by an officer of the Authority or an officer of the Government authorised in writing in that behalf by the Chief Executive.

[22/2016]

Corporate offenders and unincorporated associations

56.—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate, the officer as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of the body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(3) Proceedings for an offence alleged to have been committed under this Act by an unincorporated association must be brought against the association in its own name (and not in that of any of its members) and, for the purposes of these proceedings, any rules of court relating to service of documents have effect as if the association were a corporation.

(4) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partner as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association or a member of its governing body, the officer or member as well as the association shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) Without limiting section 66, the Authority may make regulations to provide for the application of any provision of this section, with such modifications as the Authority considers appropriate, to a body corporate or an unincorporated association formed or recognised under the law of a country or territory outside Singapore.

(7) In this section —

“officer” —

- (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary and members of the committee of the unincorporated association and includes persons holding positions analogous to those of president, secretary or member of such a committee;

“partner” includes a person purporting to act as a partner.

Composition of offences

57.—(1) The Authority may compound any offence under this Act which is prescribed as a compoundable offence 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.

Jurisdiction of court

58. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court and a Magistrate's Court have jurisdiction to try any offence under this Act and have power to impose the full penalty or punishment in respect of the offence.

PART 12

MISCELLANEOUS PROVISIONS

Appeal to Minister

59.—(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 made under this section, the decision, direction or other thing appealed against must be complied with until the appeal is determined.

(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 is final.

Exemption

60. The Minister may, subject to any terms and conditions that the Minister may impose, by order in the *Gazette*, exempt —

- (a) any class or description of shares or interests in shares from section 35 or 36 or both; and
- (b) any person or class of persons from all or any of the provisions of this Act or any subsidiary legislation made under this Act.

Equipment of licensee not subject to distress, etc.

61.—(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 does not apply to any class licensee.

International dealings of Authority

62. 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 —

- (a) the purpose of providing facilities, fixing rates, arranging terms of payment or accounting;
- (b) operational, engineering or administrative purposes; or
- (c) any other purpose necessary to properly fulfil its functions under this Act.

Government's right to determine international relations

63.—(1) Nothing in section 62 is deemed to abrogate the right of the Government at any time to determine its relations with any country or with any international agency or organisation.

(2) The Authority and each broadcasting licensee must 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.

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

- (a) by delivering it to the person or to some adult member or employee of the person's family at the person's last known place of residence;
- (b) by leaving it at the person's usual or last known place of residence or business in a cover addressed to the person;
- (c) by affixing it to some conspicuous part of the person's last known place of residence;
- (d) by sending it by registered post addressed to the person at the person's 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) is 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 is 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, Second and Third Schedules

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

66. 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.

67. [*Repealed by Act 22 of 2016 wef 01/10/2016*]

Transitional and saving provisions

68.—(1) All acts done by the Singapore Broadcasting Authority before 1 January 2003 continue to remain valid and applicable as though done by the Authority, until the time invalidated, revoked, cancelled or otherwise determined by the Authority.

(2) Any decision, document, licence, consent, approval or authorisation prepared, made, issued or granted by the Singapore Broadcasting Authority under the Singapore Broadcasting Authority Act (Cap. 297, 1995 Revised Edition) before 1 January 2003 is, so far as it is not inconsistent with the provisions of this Act, deemed to be a decision, document, licence, consent, approval or authorisation prepared, made, issued or granted by the Authority.

(3) Where anything has been commenced by or on behalf of the Singapore Broadcasting Authority before 1 January 2003, the thing may be carried on and completed by or under the authority of the Authority.

(4) Despite the repeal of Part XI of the Singapore Broadcasting Authority Act (Cap. 297, 1995 Revised Edition), as from 1 January 2003, sections 49 to 53 of that Act continue in force and to apply to

the broadcasting successor companies mentioned in those sections as if that Part has not been repealed.

(5) In this section, “broadcasting successor companies” means companies nominated by the Minister for the purposes of the repealed section 49 of the Singapore Broadcasting Authority Act (Cap. 297, 1995 Revised Edition).

FIRST SCHEDULE

Sections 2(1) and 65(1)

BROADCASTING APPARATUS

1. Television receive-only satellite receiving system (TVRO system).

In this Schedule, “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 extraterrestrial space.

SECOND SCHEDULE

Sections 2(1) and 65(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.

SECOND SCHEDULE — *continued*

15. Audiotext services.
16. Videotext services.
17. Teletext services.
18. Video-on-demand services.
19. Broadcast data services.
20. Computer online services.

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

THIRD SCHEDULE

Sections 31(6) and 65(1)

RELEVANT LICENSABLE BROADCASTING SERVICE

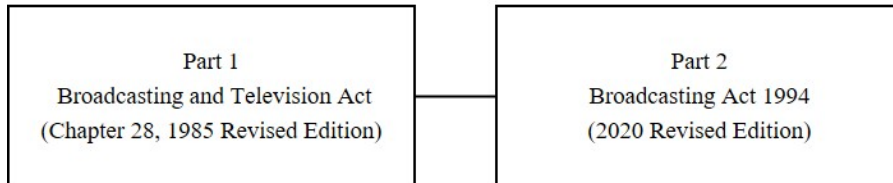
<i>First column</i>	<i>Second column</i>
<i>Licensable broadcasting service</i>	<i>Provider</i>
1. Subscription nationwide television service	(a) StarHub Cable Vision Ltd. (b) SingNet Pte. Ltd.

LEGISLATIVE HISTORY

BROADCASTING ACT 1994

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

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1

BROADCASTING AND TELEVISION ACT (CHAPTER 28, 1985 REVISED EDITION)

1. Ordinance 16 of 1963 — Broadcasting and Television Ordinance, 1963

Bill	:	208/1963
First Reading	:	13 June 1963
Second and Third Readings	:	24 July 1963
Commencement	:	3 August 1963

2. 1970 Revised Edition — Broadcasting and Television Act (Chapter 83)

Operation	:	1 April 1971
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3. Act 7 of 1975 — Broadcasting and Television (Amendment) Act, 1975

Bill	:	1/1975
First Reading	:	25 February 1975
Second and Third Readings	:	26 March 1975
Commencement	:	30 April 1975

4. Act 33 of 1979 — Singapore Broadcasting Corporation Act, 1979 (Amendments made by section 50 read with the Second Schedule to the above Act)

Bill	:	31/1979
First Reading	:	7 September 1979

Second Reading	:	21 September 1979
Select Committee Report	:	Parl. 6 of 1979
Third Reading	:	11 December 1979
Commencement	:	1 February 1980 (section 50 read with the Second Schedule)

5. 1985 Revised Edition — Broadcasting and Television Act (Chapter 28)

Operation	:	30 March 1987
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PART 2
BROADCASTING ACT 1994
(2020 REVISED EDITION)

6. Act 15 of 1994 — Singapore Broadcasting Authority Act 1994

Bill	:	20/1994
First Reading	:	25 July 1994
Second and Third Readings	:	26 August 1994
Commencement	:	1 October 1994

7. 1995 Revised Edition — Singapore Broadcasting Authority Act (Chapter 297)

Operation	:	15 March 1995
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8. G.N. No. S 308/1996 — Singapore Broadcasting Authority Act (Amendment of Second Schedule) Notification 1996

Commencement	:	15 July 1996
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9. Act 41 of 1999 — Info-communications Development Authority of Singapore Act 1999

(Amendments made by section 31(1) read with the Fourth Schedule to the above Act)

Bill	:	36/1999
First Reading	:	11 October 1999
Second and Third Readings	:	23 November 1999
Commencement	:	1 December 1999 (section 31(1) read with the Fourth Schedule)

10. Act 18 of 2001 — Singapore Broadcasting Authority (Amendment) Act 2001

Bill	:	19/2001
First Reading	:	15 March 2001
Second and Third Readings	:	19 April 2001
Commencement	:	21 May 2001

11. Act 42 of 2001 — Securities and Futures Act 2001

(Amendments made by section 343 read with item (12) of the Fourth Schedule to the above Act)

Bill	:	33/2001
First Reading	:	25 September 2001
Second and Third Readings	:	5 October 2001
Commencement	:	1 July 2002 (section 343 read with item (12) of the Fourth Schedule)

12. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002
(Amendments made by section 3 read with item (37) of the Schedule to the above Act)

Bill	:	7/2002
First Reading	:	3 May 2002
Second and Third Readings	:	24 May 2002
Commencement	:	15 July 2002 (section 3 read with item (37) of the Schedule)

13. Act 19 of 2002 — Singapore Broadcasting Authority (Amendment) Act 2002

Bill	:	19/2002
First Reading	:	23 May 2002
Second and Third Readings	:	8 July 2002
Commencement	:	2 September 2002

14. Act 34 of 2002 — Media Development Authority of Singapore Act 2002
(Amendments made by section 66 of the above Act)

Bill	:	37/2002
First Reading	:	1 October 2002
Second and Third Readings	:	31 October 2002

Commencement : 1 January 2003 (section 66)

Note: The Singapore Broadcasting Authority Act was renamed as the Broadcasting Act by this Act.

15. 2003 Revised Edition — Broadcasting Act (Chapter 28)

Operation : 31 July 2003

16. Act 55 of 2004 — Broadcasting (Amendment) Act 2004

Bill : 50/2004

First Reading : 19 October 2004

Second and Third Readings : 16 November 2004

Commencement : 1 January 2005

17. Act 10 of 2005 — Telecommunications (Amendment) Act 2005

(Amendments made by section 32 of the above Act)

Bill : 67/2004

First Reading : 24 November 2004

Second and Third Readings : 25 January 2005

Commencement : 16 February 2005 (section 32)

18. Act 21 of 2005 — Companies (Amendment) Act 2005

(Amendments made by section 58 read with item (3) of the Schedule to the above Act)

Bill : 11/2005

First Reading : 18 April 2005

Second and Third Readings : 16 May 2005

Commencement : 30 January 2006 (section 58 read with item (3) of the Schedule)

19. G.N. No. S 559/2010 — Broadcasting Act (Amendment of Third Schedule) Notification 2010

Commencement : 1 October 2010

20. G.N. No. S 549/2012 — Broadcasting Act (Amendment of First Schedule) Notification 2012

Commencement : 1 January 2011

21. Act 15 of 2010 — Criminal Procedure Code 2010

(Amendments made by section 430 read with item 8 of the Sixth Schedule to the above Act)

Bill	:	11/2010
First Reading	:	26 April 2010
Second Reading	:	18 May 2010
Third Reading	:	19 May 2010
Commencement	:	2 January 2011 (section 430 read with item 8 of the Sixth Schedule)

22. 2012 Revised Edition — Broadcasting Act (Chapter 28)

Operation	:	31 August 2012
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23. Act 22 of 2016 — Info-communications Media Development Authority Act 2016

(Amendments made by section 93 of the above Act)

Bill	:	21/2016
First Reading	:	11 July 2016
Second and Third Readings	:	16 August 2016
Commencement	:	1 October 2016 (section 93)

24. 2020 Revised Edition — Broadcasting Act 1994

Operation	:	31 December 2021
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Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
BROADCASTING ACT 1994

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2012 Ed.
—	57—(3) <i>[Deleted by Act 22 of 2016]</i>