



# 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, to regulate online communication services accessible by Singapore end-users, and for matters connected therewith.

*[Act 38 of 2022 wef 01/02/2023]*

[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 —

“a point” includes a mobile or potentially mobile point, whether on land, underground, in the atmosphere, underwater or anywhere else;

*[Act 38 of 2022 wef 01/02/2023]*

“access”, in relation to any content, means to read, view, hear or otherwise experience content, by means of a broadcasting service or an electronic service, and includes —

- (a) access that is subject to a precondition, such as the use of a password;
- (b) access by way of push technology;
- (c) access by way of a standing request; and
- (d) access for a limited period of time only;

*[Act 38 of 2022 wef 01/02/2023]*

“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;

“communicate”, in relation to any content, means —

- (a) to make available (by posting or otherwise); or
- (b) to distribute (by sharing or forwarding or otherwise),

the content, regardless if the communication is between persons and persons, things and things or persons and things;

*[Act 38 of 2022 wef 01/02/2023]*

“content” means information or material capable of communication by means of a broadcasting service or an electronic service —

- (a) whether in the form of text;
- (b) whether in the form of speech, music or other sounds;
- (c) whether in the form of visual images (animated or otherwise), pictorial or graphic form (for example, an anthropomorphic or a humanlike depiction);



(d) whether in any other form; or

(e) whether in any combination of forms;

[Act 38 of 2022 wef 01/02/2023]

“debenture” includes debenture stock;

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

“electronic service” has the meaning given by section 2A(2);

[Act 38 of 2022 wef 01/02/2023]

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

“end-user”, in relation to an electronic service, means an individual who, or an entity that, and whether or not in the course of business —

(a) has access to content or something which contains content; or

(b) communicates content, or something which contains content,

on or by means of the electronic service, but excludes a person who is prescribed by the Minister by order in the *Gazette*;

[Act 38 of 2022 wef 01/02/2023]

“engage in conduct” means —

(a) to do an act or omit to do an act —

(i) on a single occasion; or

(ii) on a number of occasions over a period of time;  
or

(b) to both do an act and omit to do an act —

(i) on a single occasion; or

(ii) on a number of occasions over a period of time;

[Act 38 of 2022 wef 01/02/2023]

“entity” means —

- (a) a body corporate (including a limited liability partnership);
- (b) an unincorporated association;
- (c) a partnership;
- (d) a body politic;
- (e) a body of individuals who together form a body; or
- (f) a person other than an individual;

*[Act 38 of 2022 wef 01/02/2023]*

“excluded electronic service” has the meaning given by section 2A(3);

*[Act 38 of 2022 wef 01/02/2023]*

“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;

“internet access service” means a telecommunication service between a point in Singapore and another point in Singapore or between 2 points, one of which is in Singapore —

(a) that —

- (i) enables end-users to access content on the Internet using that service; or
- (ii) delivers content to persons having equipment appropriate for receiving that content on the Internet, where the delivery of the service is by a telecommunication service described in sub-paragraph (i); and

(b) that is covered by a licence under the Telecommunications Act 1999,

but excludes a social media service and any telecommunication service prescribed by the Minister by order in the *Gazette* as excluded from this definition;

[Act 38 of 2022 wef 01/02/2023]

“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 and is not and has never been an online communication service;

[Act 38 of 2022 wef 01/02/2023]

“member” means a member of the Authority;

“online Code of Practice” means a Code of Practice that is issued or amended under section 45L or amended under section 59(3) on appeal;

[Act 38 of 2022 wef 01/02/2023]

“online communication service” has the meaning given by section 2A(1);

[Act 38 of 2022 wef 01/02/2023]

“Part 10A regulations” means regulations made under section 45P;

[Act 38 of 2022 wef 01/02/2023]

“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;

“provider”, for an online communication service, has the meaning given by section 2D;

*[Act 38 of 2022 wef 01/02/2023]*

“regulated online communication service” means an online communication service that is designated under section 45K(1) as a regulated online communication service;

*[Act 38 of 2022 wef 01/02/2023]*

“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;

“Singapore end-user”, in relation to an online communication service, means any of the following end-users of the service:

- (a) an individual physically present in Singapore;
- (b) an entity which —
  - (i) is incorporated under any written law; or
  - (ii) is constituted or organised under a law of a foreign country or territory but registered under any written law;

*[Act 38 of 2022 wef 01/02/2023]*

“social media service” has the meaning given by section 45T;

*[Act 38 of 2022 wef 01/02/2023]*

“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.

(4) For the purposes of this Act, whether any communication of content by means of a broadcasting service or an online communication service is or is not of a private or domestic nature must be determined by having regard to all or any one of the following factors:

- (a) the number of individuals in Singapore who are able to access the content by means of the service;
- (b) any restrictions on who may access the content by means of the service (such as a requirement for approval or permission from a user, or the provider, of the service);
- (c) the relationship between the persons that the content is being or has been communicated;
- (d) any other relevant factor.

[Act 38 of 2022 wef 01/02/2023]

(5) However, for the purposes of subsection (4), the following factors do not count as restrictions on access to content communicated by means of a broadcasting service or an online communication service:

- (a) a requirement to log in to or register with the broadcasting service or online communication service (or part of such a service);

- (b) a requirement to make a payment or take out a subscription in order to access the broadcasting service or online communication service (or part of such a service) or to access particular content communicated by means of that service;
- (c) inability to access a broadcasting service or an online communication service (or part of such a service) or to access particular content communicated by means of that service except by using particular technology or a particular kind of device (as long as that technology or device is generally available to the public).

*[Act 38 of 2022 wef 01/02/2023]*

(6) In determining for the purposes of this Act whether an end-user is physically present in Singapore, it is to be assumed that the end-user will not falsify or conceal the end-user's identity or location.

*[Act 38 of 2022 wef 01/02/2023]*

### **Meanings of “online communication service” and associated terms**

**2A.—**(1) In this Act, an online communication service means an electronic service that is, or a part of an electronic service having the characteristics that are, specified in the Fourth Schedule.

(2) For the purposes of subsection (1), an electronic service means a service —

(a) that —

- (i) enables end-users to access or communicate content on the Internet using that service, including a point-to-multipoint service; or
- (ii) delivers content on the Internet to persons having equipment appropriate for receiving that content, where the delivery of the service is by a service described in sub-paragraph (i);

(b) that is a service —

- (i) between a point in Singapore and one or more other points in Singapore; or

(ii) between a point and one or more other points, where the firstmentioned point is outside Singapore and at least one of the other points is inside Singapore; and

(c) that is not an excluded electronic service.

(3) For the purposes of subsection (2)(c), an excluded electronic service means —

- (a) an SMS service;
- (b) an MMS service;
- (c) an internet access service;
- (d) an electronic service where the only user-generated content enabled by that service is one-to-one live aural communications;
- (e) an electronic service where the only user-generated content enabled by that service is communication between 2 or more end-users that is of a private or domestic nature;
- (f) an electronic service where the user-generated content enabled by that service is accessible substantially or only to a closed group of end-users employed or engaged in a business (whether or not carried on for profit) and solely for their use as a tool in the conduct of that business; or
- (g) an electronic service that is prescribed by the Minister, by order in the *Gazette*, to be an excluded electronic service, after taking into account the functionalities of the service or the user-generated content enabled by that service or both.

(4) References in this Act to an online communication service include such a service provided from outside Singapore as well as such a service provided in or from Singapore.

(5) In this section —

“functionality”, in relation to an electronic service, includes —

- (a) any feature that enables interactions of any description between end-users of the service; and

- (b) any feature that enables end-users to search online locations or databases, index search results or otherwise retrieve content from the search results;

“MMS” means an electronic service that enables only the transmission of multimedia messages (such as visual or voice communication) from an end-user on a mobile telephone to another mobile telephone through a telecommunication service;

“MMS message” means a message (whether or not accompanied by any sound or images) sent using an MMS;

“one-to-one live aural communications”, in relation to an electronic service, means content —

- (a) consisting of speech or other sounds conveyed in real time between 2 end-users of the service by means of the service;
- (b) that is not a recording; and
- (c) that is not accompanied by user-generated content of any other description, except identifying content;

“point-to-multipoint service” means an electronic service which allows an end-user to communicate content to more than one end-user simultaneously;

“SMS” means an electronic service that only enables the transmission of short text messages from an end-user on a mobile telephone to another mobile telephone through a telecommunication service;

“SMS message” means a text message sent using an SMS;

“user-generated content”, in relation to an electronic service, means content —

- (a) that is —
  - (i) generated directly on the service by an end-user of the service; or
  - (ii) communicated by posting or sharing on the service by an end-user of the service; and



- (b) that may be accessed by another end-user of that service, or other users, of the service by means of that service.

[Act 38 of 2022 wef 01/02/2023]

### **Amendment of Fourth Schedule**

**2B.**—(1) The Minister may, by order in the *Gazette*, revoke or replace, or add to, the Fourth Schedule.

(2) Every order made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.

[Act 38 of 2022 wef 01/02/2023]

### **Transitional arrangements for former licensable broadcasting service**

**2C.**—(1) With effect from the date that a licensable broadcasting service is specified in the Fourth Schedule as an online communication service (called the conversion date) —

- (a) this Act ceases to apply to —
- (i) that service as a licensable broadcasting service; and
  - (ii) the provider of that service as a broadcasting licensee; and

- (b) this Act then continues to apply to that service as an online communication service, and the former broadcasting licensee as a provider of an online communication service,

but without affecting the following:

- (c) the enforcement by any person of any right or claim against the former broadcasting licensee;
- (d) the enforcement by the former broadcasting licensee of any right or claim against any person;
- (e) any proceeding under section 12(1) with respect to the former licensable broadcasting service that is pending immediately before the conversion date;

(f) any appeal under section 12(2) or 59(1) with respect to the former licensable broadcasting service that is pending immediately before the conversion date.

(2) Any proceeding and appeal mentioned in subsection (1)(e) and (f) may be continued under sections 12 and 59, respectively, as if the Fourth Schedule had not been enacted.

*[Act 38 of 2022 wef 01/02/2023]*

### **Meaning of “provider” of online communication service**

**2D.**—(1) Subject to this section, in this Act, the provider of an online communication service is the entity that has control over —

- (a) who can use the online communication service that is specified in the Fourth Schedule;
- (b) the operations of the characteristics of the electronic service that are specified in the Fourth Schedule in respect of the online communication service; or
- (c) which content is communicated or provided on the online communication service.

(2) Where an online communication service is generated by a machine, the entity that controls the machine (and that entity alone) is to be treated as being the provider of the online communication service.

(3) However, if no entity controls the machine mentioned in subsection (2), but an individual controls or individuals control the machine, the provider of the online communication service is to be treated as being that individual or those individuals.

(4) If no entity has control over —

- (a) who can use the online communication service that is specified in the Fourth Schedule;
- (b) the operations of the characteristics of the electronic service that are specified in the Fourth Schedule in respect of the online communication service; or
- (c) which content is communicated or provided on the online communication service,

but an individual has or individuals have control over who can do so, then that individual or those individuals is or are to be treated as being the provider of the online communication service.

(5) Despite subsection (1), a person that provides an internet access service through which content on an online communication service may be accessed by end-users of the online communication service, is not to be treated as a person who has control over who can use the online communication service for the purposes of this Act.

(6) Part 10A regulations may be made to specify who is to be treated as a provider of an online communication service where more than one entity is treated as the provider thereof under subsection (1).

*[Act 38 of 2022 wef 01/02/2023]*

## 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;

*[S 26/2022 wef 13/01/2022]*

“sub-fund”, “umbrella VCC” and “VCC” have the meanings given by section 2(1) of the VCC Act;

*[S 26/2022 wef 13/01/2022]*

“VCC Act” means the Variable Capital Companies Act 2018.

*[S 26/2022 wef 13/01/2022]*

**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, with the reference to a company in the definition replaced with a reference to a VCC where the entity concerned is a VCC;

*[S 26/2022 wef 13/01/2022]*

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

(3) In determining whether a person is a substantial shareholder of a VCC that is an umbrella VCC for the purposes of the definition of “substantial shareholder” in subsection (2), a reference in that definition to voting shares in a VCC is to voting shares that are issued in respect of one or more sub-funds of the umbrella VCC.

*[S 26/2022 wef 13/01/2022]*

### **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.

(3A) In subsection (3), where the broadcasting company concerned is a broadcasting holding company that is an umbrella VCC whose shareholding in or control of a company which holds a relevant licence by virtue of which that company is a subsidiary of the umbrella VCC, is attributable to one or more of its sub-funds, the reference to the voting shares in a broadcasting company is to the voting shares in the umbrella VCC that are issued in respect of that sub-fund or those sub-funds.

*[S 26/2022 wef 13/01/2022]*

(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.

(6) The application of subsection (5) in relation to any share in a VCC is subject to the following modifications:

- (a) subsection (3) of section 7 of the Companies Act 1967 does not apply;
- (b) paragraph (ca) of section 7(9) of the Companies Act 1967 does not apply;
- (c) a book-entry security is treated as an interest in a share;
- (d) a person that is a subsidiary of a VCC does not have an interest in the shares of the VCC by reason only that that interest is purchased or otherwise acquired by the subsidiary under section 22(6) or (11) of the VCC Act.

[S 26/2022 wef 13/01/2022]

### **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.

(3A) In subsection (3), where the broadcasting company concerned is a broadcasting holding company that is an umbrella VCC whose holding in or control of a company which holds a relevant licence by virtue of which that company is a subsidiary of the umbrella VCC, is attributable to one or more of its sub-funds —

- (a) the reference to the shares in a broadcasting company is to the shares in the umbrella VCC that are issued in respect of that sub-fund or those sub-funds; and
- (b) the reference to voting power in a broadcasting company is to the voting power in the umbrella VCC that is exercisable in respect of that sub-fund or those sub-funds.

*[S 26/2022 wef 13/01/2022]*

(4) For the purposes of subsections (3) and (3A) —

- (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.

[S 26/2022 wef 13/01/2022]

(4A) The application of subsection (4)(a) in relation to any share in a VCC is subject to the following modifications:

- (a) paragraph (ca) of section 7(9) of the Companies Act 1967 does not apply;
- (b) a book-entry security is treated as an interest in a share;
- (c) a person that is a subsidiary of a VCC does not have an interest in the shares of the VCC by reason only that that interest is purchased or otherwise acquired by the subsidiary under section 22(6) or (11) of the VCC Act.

[S 26/2022 wef 13/01/2022]

(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 the VCC Act (whichever is applicable) or anything contained in the memorandum or articles of association, or other constitution, of the broadcasting company.

*[S 26/2022 wef 13/01/2022]*

(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.

**38.** [*Repealed by Act 31 of 2022 wef 01/11/2022*]

### **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 the VCC Act (whichever is applicable) 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.

*[S 26/2022 wef 13/01/2022]*

(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.

(1A) In subsection (1), where the holding company concerned is an umbrella VCC whose holding in or control of the company by virtue of which that company is a subsidiary of the umbrella VCC, is attributable to one or more of its sub-funds —

- (a) the reference to the shares in the holding company is to the shares in the umbrella VCC that are issued in respect of that sub-fund or those sub-funds; and
- (b) the reference to voting power in the holding company is to the voting power in the umbrella VCC that are exercisable in respect of that sub-fund or those sub-funds.

*[S 26/2022 wef 13/01/2022]*

(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.

(4) The application of subsection (3)(a) in relation to any share in a VCC is subject to the following modifications:

(a) paragraph (ca) of section 7(9) of the Companies Act 1967 does not apply;

(b) a book-entry security is treated as an interest in a share;

(c) a person that is a subsidiary of a VCC does not have an interest in the shares of the VCC by reason only that that interest is purchased or otherwise acquired by the subsidiary under section 22(6) or (11) of the VCC Act.

[S 26/2022 wef 13/01/2022]

### **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 10A

## ONLINE COMMUNICATION SERVICE REGULATION

[Act 38 of 2022 wef 01/02/2023]

*Division 1 — Scope and key concepts***Purpose**

**45A.** The purpose of this Part is to ensure that providers of online communication services to Singapore end-users —

- (a) provide a safe online environment for Singapore end-users that promotes responsible online behaviour, deters objectionable online activity and prevents access to harmful content;
- (b) place adequate priority on the protection of Singapore end-users who are children of different age groups from exposure to content which may be harmful to them; and
- (c) are regulated in a manner that enables public interest considerations to be addressed.

[Act 38 of 2022 wef 01/02/2023]

**Application**

**45B.** This Part applies to and in relation to any content that is provided on any online communication service and is accessible by any Singapore end-user except that if the content was published on the Internet before the date of commencement of section 5 of the Online Safety (Miscellaneous Amendments) Act 2022, this Part does not apply to the content on an online communication service unless the content remains accessible to a Singapore end-user of the service on or after that date.

[Act 38 of 2022 wef 01/02/2023]

**When content is provided or communicated on online communication service**

**45C.—(1)** For the purposes of this Part, content is provided on an online communication service if the content can be accessed by one or more of the end-users using the service.

(2) For the purposes of this Part, content is communicated on an online communication service by an end-user if the end-user causes the content to be accessible by one or more other end-users using the service.

*[Act 38 of 2022 wef 01/02/2023]*

### **Meaning of “egregious content”**

**45D.—**(1) In this Part, “egregious content” means —

- (a) content that advocates or instructs on suicide or self-harm;
- (b) content that advocates or instructs on violence or cruelty to, physical abuse of, or acts of torture or other infliction of serious physical harm on, human beings;
- (c) content that advocates or instructs on sexual violence or coercion in association with sexual conduct, whether or not involving the commission of a heinous sex crime;
- (d) content depicting for a sexual purpose, or that exploits, the nudity of a child or part of a child in a way that reasonable persons would regard as being offensive, whether or not sexual activity is involved;
- (e) content that advocates engaging in conduct in a way that —
  - (i) obstructs or is likely to obstruct any public health measure carried out in Singapore; or
  - (ii) results or is likely to result in a public health risk in Singapore;
- (f) content dealing with matters of race or religion in a way that is likely to cause feelings of enmity, hatred, ill will or hostility against, or contempt for or ridicule of, different racial or religious groups in Singapore;
- (g) content that advocates or instructs on terrorism; or
- (h) any other content that is prescribed by Part 10A regulations as egregious content.

(2) It does not matter if the content in subsection (1) relates to conduct engaged in within or outside Singapore.

(3) In this section —

“heinous sex crime” means —

- (a) an offence under the Penal Code 1871 involving serious sexual assault such as rape or sexual assault by penetration, or sexual communication with or sexual grooming of a child;
- (b) an offence under section 8 of the Children and Young Persons Act 1993;
- (c) an abetment of or a conspiracy to commit an offence specified in paragraph (a) or (b);
- (d) an attempt to commit an offence specified in paragraph (a) or (b); or
- (e) conduct outside Singapore which, had it been engaged in within Singapore, would have been an offence specified in paragraph (a), (b), (c) or (d) and punishable by a Singapore court;

“public health measure” means the organised response by society (including Government) to prevent, mitigate or control a public health risk;

“public health risk” means circumstances, a thing or substance that —

- (a) is or is likely to be hazardous to the health of individuals in the context of the wider health of the community; or
- (b) contributes or is likely to contribute to disease or the transmission of an infectious disease to or among human beings;

“terrorism” means the engaging in any conduct constituting —

- (a) a terrorist act within the meaning given by section 2(2) and (3) of the Terrorism (Suppression of Financing) Act 2002 affecting persons or property situated in Singapore;

- (b) a terrorist bombing offence within the meaning given by section 2 of the Terrorism (Suppression of Bombings) Act 2007;
- (c) a nuclear terrorism offence within the meaning given by section 2 of the Terrorism (Suppression of Misuse of Radioactive Material) Act 2017;
- (d) an abetment of or a conspiracy to commit an act or offence specified in paragraph (a), (b) or (c);
- (e) an attempt to commit an act or offence specified in paragraph (a), (b) or (c); or
- (f) an offence specified in paragraph (a), (b), (c), (d) or (e) and punishable by a Singapore court if the conduct had been engaged in within Singapore.

*[Act 38 of 2022 wef 01/02/2023]*

### *Division 2 — Offences involving egregious content*

#### **Offence of not stopping egregious content on online communication service**

**45E.—**(1) A person commits an offence if —

- (a) the person provides an online communication service with a Singapore end-user link;
- (b) the online communication service provides or can be used to access content on the online communication service;
- (c) the content is egregious content;
- (d) the person knows, or ought reasonably to know that —
  - (i) the online communication service provides or can be used to access that content; and
  - (ii) the content is egregious content; and
- (e) the person fails in the person's duty under section 45J to comply with a section 45H direction given to the person in relation to that egregious content provided on that online communication service by the person.

(2) A person that is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

(3) For the purposes of subsection (1), it is immaterial whether the online communication service is provided from outside Singapore or provided in or from Singapore.

(4) If —

(a) a section 45H direction is given in relation to an online communication service provided by a person; and

(b) in a prosecution of the person for an offence against subsection (1), it is proven that the online communication service provides or can be used to, at the time the direction was given, access the content specified in the direction,

then, in that prosecution, it must be presumed until the contrary is proved, that the person knew —

(c) that the online communication service provides or can be used to access that content at the time the direction was given; and

(d) that the content is egregious content at the time the direction was given.

*[Act 38 of 2022 wef 01/02/2023]*

### **Offence of not stopping access to online communication service**

**45F.**—(1) A person commits an offence if —

(a) the person provides an internet access service with a Singapore end-user link;

(b) the internet access service can be used by a Singapore end-user of an online communication service to access content provided on the online communication service;

(c) the content is egregious content;

- (d) the person knows, or ought reasonably to know that —
  - (i) the internet access service can be used by a Singapore end-user of the online communication service to access the content provided on the online communication service; and
  - (ii) the content is egregious content; and
- (e) the person fails in the person's duty under section 45J to comply with a section 45I blocking direction given to the person in relation to access to the online communication service through its internet access service.

(2) A person that is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$20,000 for each day or part of a day the person does not comply with a section 45I blocking direction given to the person but not exceeding a total fine of \$500,000.

(3) For the purposes of subsection (1), it is immaterial whether the online communication service is provided from outside Singapore or provided in or from Singapore.

(4) If —

- (a) a section 45I blocking direction is given in relation to an internet access service provided by a person; and
- (b) in a prosecution of the person for an offence against subsection (1), it is proven that the internet access service can, at the time the direction was given, be used by a Singapore end-user of an online communication service to access content provided on the online communication service using the internet access service specified in the direction,

then, in that prosecution, it must be presumed until the contrary is proved that the person knew —

- (c) that the internet access service can, at the time the direction was given, be used by a Singapore end-user of the online communication service to access content provided on that online communication service; and

- (d) that the content is egregious content at the time the direction was given.

*[Act 38 of 2022 wef 01/02/2023]*

## Defence

**45G.** In a prosecution of the person for an offence against section 45E(1) or 45F(1), it is a defence for the person charged to prove, on a balance of probabilities, that —

- (a) it was not reasonably practicable to do more than what was in fact done to satisfy the duty in section 45J; and
- (b) there was no better practicable means than was in fact used to satisfy the duty in section 45J.

*[Act 38 of 2022 wef 01/02/2023]*

## Section 45H direction

**45H.—**(1) If the Authority is satisfied that —

- (a) any egregious content is being provided on an online communication service with a Singapore end-user link; and
- (b) Singapore end-users of the service can access the egregious content,

the Authority may give the provider of the online communication service a written direction requiring the provider —

- (c) to do one or more of the following as the Authority considers appropriate:
- (i) to disable access to the egregious content on its service by Singapore end-users who use or may use the service;
- (ii) to stop delivery or communication of content to an account or accounts of —
- (A) all Singapore end-users of the service; or
- (B) any particular group of end-users comprising one or more Singapore end-users of the service,



so as to stop or reduce the communication, provision or access, or further communication, provision or access, by Singapore end-users of egregious content on the online communication service; and

(d) to do so within the period specified in the written direction, or any extension of that period that the Authority may allow in any particular case.

(2) To avoid doubt, a requirement in subsection (1)(c)(ii) —

(a) may include requiring altering, terminating or suspending any functionality of the service provided to the Singapore end-user concerned; but

(b) must not require the doing of any thing with respect to the provision of an online communication service to the whole or part of any area in Singapore.

(3) In addition, a requirement in subsection (1)(c) must not relate to any user-generated content that is communication between 2 or more end-users that is of a private or domestic nature.

(4) The egregious content must be, so far as is reasonably practicable, identified by the Authority in a section 45H direction in a way that is sufficient to enable the provider concerned to comply with the direction.

(5) In this section, “account” includes —

(a) a free account;

(b) a prepaid account; and

(c) anything that may reasonably be regarded as the equivalent of an account.

*[Act 38 of 2022 wef 01/02/2023]*

### **Section 45I blocking direction**

**45I.**—(1) This section applies to a provider of an internet access service.

- (2) If the Authority is satisfied that —
- (a) a provider of an online communication service with a Singapore end-user link which is given a section 45H direction fails to comply with the direction; and
  - (b) the internet access service has control over access by Singapore end-users of the online communication service to content provided on that online communication service,

the Authority may direct the provider of the internet access service to stop access by Singapore end-users to the online communication service.

*[Act 38 of 2022 wef 01/02/2023]*

### **Duty to comply**

**45J.**—(1) Every provider of an online communication service or an internet access service to whom is given a section 45H direction or section 45I blocking direction, has the duty to take all reasonably practicable steps to comply with the direction given to the provider.

(2) No civil or criminal liability is incurred by a provider of an online communication service or an internet access service provider, or an officer, employee or agent of such a provider, for anything done or omitted to be done with reasonable care and in good faith in complying with a section 45H direction or section 45I blocking direction given to the provider.

*[Act 38 of 2022 wef 01/02/2023]*

### *Division 3 — Regulated online communication services*

#### **Regulated online communication service**

**45K.**—(1) The Authority may designate an online communication service with a Singapore end-user link as a regulated online communication service with effect from a date specified in that order if the Authority, after taking into account —

- (a) the range of all online communication services provided to Singapore end-users; and

- (b) the extent and nature of the effect that the different types of online communication services have on the people of Singapore and her different communities,

is satisfied that the online communication service should be a regulated online communication service in furtherance of the purposes in section 45A.

(2) The Authority must cause notice of every designation under subsection (1) to the public by causing it to be published in any other manner that the Authority considers will secure adequate publicity for the designation.

(3) A designation under subsection (1) may be revoked at any time by the Authority by instrument in writing; and the Authority must give notice, or cause the giving of notice, of the revocation in the same manner in which the designation was first given.

(4) To avoid doubt, the non-publication of any notice of a designation under subsection (1), or its revocation, in the manner described in subsection (2) does not affect the validity of the designation or revocation, as the case may be.

*[Act 38 of 2022 wef 01/02/2023]*

### **Online Code of Practice for regulated online communication service**

**45L.—**(1) Without limiting section 6, the Authority may, from time to time and in accordance with rules made under subsection (2) —

- (a) issue one or more online Codes of Practice applicable to providers of any regulated online communication service or specified types of such providers; and
- (b) amend or revoke any online Code of Practice issued under paragraph (a),

with respect to all or any of the matters in subsection (4) relating to the provision of that regulated online communication service.

(2) The Minister may make rules prescribing the manner or form of procedure to be followed in connection with the preparation and issuing of online Codes of Practice applicable to providers of regulated online communication services, and any amendment or

revocation of any such Code of Practice, including rules requiring the Authority —

- (a) to give prior notice of any draft online Code of Practice proposed to apply to providers of any regulated online communication service or particular regulated online communication service (including a draft Code of Practice that is to replace an online Code of Practice in force) or any proposal of amendments to or revocation of an online Code of Practice in force;
  - (b) to specify the place or places where copies of any draft online Code of Practice or the proposed amendment or revocation may be inspected;
  - (c) to invite objections and representations in connection with the draft online Code of Practice or the proposed amendment or revocation; and
  - (d) to consider or inquire into all or any of those objections and representations where made in accordance with the rules.
- (3) If any provision in any online Code of Practice issued or amended under subsection (1) is inconsistent with any provision of this Act or the Part 10A regulations, that provision in that Code —
- (a) is to have effect subject to this Act and the Part 10A regulations; or
  - (b) having regard to the provisions of this Act and the Part 10A regulations, does not have effect.
- (4) An online Code of Practice issued or amended under this section applicable to providers of any regulated online communication service or specified types of such providers may provide for all or any of the following:
- (a) requirements that a provider of the regulated online communication service must, by establishing and applying appropriate systems or processes, provide the service in a way that —
    - (i) prevents Singapore end-users of its service (particularly children of different age groups) from

- accessing content that presents a material risk of significant harm to them; and
- (ii) mitigates and manages the risks of danger to Singapore end-users of its service (particularly children of different age groups) from content provided or that may be provided on its service;
- (b) any matter so as to provide practical guidance or certainty in respect of what content does or does not present a material risk of significant harm to Singapore end-users generally or certain types of Singapore end-users of the service;
- (c) the procedures to be followed by a provider of the regulated online communication service so as to satisfy the duty under section 45M to comply with the online Code of Practice applicable to that provider, which may include —
- (i) undergoing (at its own cost) such audit as the Authority may require to ascertain the provider's compliance with the provisions of the online Code of Practice applicable to the provider;
  - (ii) reporting to the Authority, periodically or whenever requested by the Authority, information about the measures taken by the provider to ensure that Singapore end-users are able to use the regulated online communication service in a safe manner; or
  - (iii) conducting risk assessments on the systemic risks brought about by or relating to the functioning and use of their services and taking reasonable and effective measures aimed at mitigating those risks;
- (d) a requirement for collaboration or cooperation by the provider of the regulated online communication service with any conduct of research into its regulated online communication service by a suitable expert or experts approved by the Authority, so as to assist in developing the Authority's understanding of —

- (i) the nature and level of the systemic risks brought about by or relating to the functioning and use of the regulated online communication service; and
  - (ii) the evolution and severity of such online systemic risks;
- (e) any matter that promotes or furthers any purpose in section 45A.

*[Act 38 of 2022 wef 01/02/2023]*

### **Duty of regulated online communication service provider**

**45M.**—(1) Every provider of a regulated online communication service has the duty to take all reasonably practicable steps to comply with the online Code of Practice applicable to the provider in the provision of the regulated online communication service.

(2) Where it is alleged for the purposes of this Act that any provider of a regulated online communication service failed to comply with the duty under subsection (1), it is for the provider to show that —

- (a) it was not reasonably practicable to do more than what was in fact done to satisfy that duty; and
- (b) there was no better practicable means than was in fact used to satisfy that duty.

(3) A requirement of an online Code of Practice applicable to a provider of a regulated online communication service has effect despite —

- (a) any duty of confidentiality or privacy imposed by any rule of law; or
- (b) any duty imposed by any contract or any rule of professional conduct,

that prevents the provider from complying with that requirement or restricts the provider in such compliance.

(4) No civil or criminal liability is incurred by a provider of a regulated online communication service or an officer, employee or agent of such a provider, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith

and for the purpose of complying with or giving effect to a requirement of the online Code of Practice.

(5) An online Code of Practice otherwise does not have legislative effect.

*[Act 38 of 2022 wef 01/02/2023]*

### **Regulatory action**

**45N.**—(1) Subject to section 45O, if the Authority is satisfied that a provider of a regulated online communication service (called in this section and section 45O the defaulting provider) has failed to satisfy the duty under section 45M(1), the Authority may —

- (a) order the defaulting provider to pay, within a period specified in the order, a financial penalty of any amount that the Authority thinks fit, but not exceeding \$1 million; or
- (b) direct the defaulting provider to take any steps, whether in or outside Singapore, and within a specified time, that may be necessary to remedy the failure.

(2) A defaulting provider that does not comply with a direction given to the defaulting provider under subsection (1)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

(3) For the purposes of subsection (2), it is immaterial whether the online communication service concerned is provided from outside Singapore or provided in or from Singapore.

*[Act 38 of 2022 wef 01/02/2023]*

### **Procedure for regulatory action under section 45N**

**45O.**—(1) Before exercising any powers under section 45N(1) in relation to any defaulting provider of a regulated online communication service, the Authority must give written notice to the defaulting provider —

- (a) stating that the Authority intends to take regulatory action against the defaulting provider;

- (b) specifying the type of action in section 45N(1) the Authority proposes to take, and each instance of non-compliance that is the subject of the action; and
  - (c) specifying the time (being at least 14 days from the date of service of notice on the defaulting provider) within which written representations may be made to the Authority with respect to the proposed action.
- (2) The Authority may, after considering any written representation under subsection (1)(c), decide to take any regulatory action in section 45N(1) that the Authority considers appropriate.
- (3) Where the Authority has made any decision under subsection (2) against any defaulting provider, the Authority must serve on the defaulting provider concerned a notice of its decision.
- (4) Subject to section 59(2), a decision which is specified in the notice given under subsection (3) takes effect from the date on which that notice is given, or on any other date that may be specified in the decision.

*[Act 38 of 2022 wef 01/02/2023]*

#### *Division 4 — Administrative and general provisions*

### **Regulations**

**45P.**—(1) The Authority may, with the approval of the Minister, make regulations which are required or permitted to be prescribed by this Part or are necessary or convenient to be prescribed for carrying out or giving effect to this Part.

(2) All subsidiary legislation made under this Part must be presented to Parliament as soon as possible after publication in the *Gazette*.

*[Act 38 of 2022 wef 01/02/2023]*

### **Incorporation by reference**

**45Q.**—(1) Any subsidiary legislation made under this Part or any online Code of Practice may make provision for or in relation to a matter by applying, adopting or incorporating by reference, with or without modification, any material contained in any standard, rule,



requirement, specification or other document, as in force at a particular time or from time to time, which relates to any matter with which the subsidiary legislation or online Code of Practice deals, even if the standard, rule, requirement, specification or other document does not yet exist when the subsidiary legislation or online Code of Practice is made.

(2) Any material referred to in subsection (1) may be applied, adopted or incorporated by reference in any subsidiary legislation made under this Part or any online Code of Practice —

- (a) in whole or in part; or
- (b) with modifications, additions, or variations specified in the subsidiary legislation or online Code of Practice, as the case may be.

(3) A copy of any material applied, adopted or incorporated by reference in any subsidiary legislation made under this Part or any online Code of Practice, including any amendment to, or replacement of, the material, must be —

- (a) certified as a correct copy of the material by the Minister or the Authority, as the case may be; and
- (b) retained by the Authority.

(4) Any material applied, adopted or incorporated in any subsidiary legislation made under this Part or any online Code of Practice by reference under subsection (1) is to be treated for all purposes as forming part of the subsidiary legislation or online Code of Practice; and, unless otherwise provided in the subsidiary legislation or online Code of Practice, every amendment to any material incorporated by reference under subsection (1) that is made by the person or organisation originating the material is, subject to subsections (5) and (6), to be treated as being a part of that subsidiary legislation or online Code of Practice, as the case may be.

(5) Where any material referred to in subsection (1) is applied, adopted or incorporated by reference in any subsidiary legislation made under this Part or any online Code of Practice, the Authority must give notice in the *Gazette* stating —

- (a) that the material is incorporated in the subsidiary legislation made under this Part or online Code of Practice and the date on which the relevant provision in the subsidiary legislation or online Code of Practice was made;
  - (b) that the material is available for inspection during working hours, free of charge;
  - (c) the place where the material can be inspected without charge;
  - (d) that copies of the material can be purchased;
  - (e) the place where copies of the material can be purchased; and
  - (f) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.
- (6) In this section, “modification” includes omissions, additions and substitutions.

*[Act 38 of 2022 wef 01/02/2023]*

### **Interface with other laws and civil liability**

**45R.**—(1) To avoid doubt, section 26(1) of the Electronic Transactions Act 2010 (which relates to the limitation of liability against network service providers) applies in relation to any liability under this Part other than liability under section 45E, 45F or 45N.

(2) Nothing in section 45J or 45M is to be construed —

- (a) as conferring a right of action in any civil proceedings in respect of any contravention of any provision of this Part or an online Code of Practice; or
  - (b) as conferring a defence to an action in any civil proceedings or as otherwise affecting a right of action in any civil proceedings.
- (3) For the purposes of sections 45E(1), 45F(1), 45H and 45I, a person is to be disregarded as a Singapore end-user using an online

communication service if the person accesses content in any of the following circumstances:

- (a) the accessing of the content is necessary for enforcing this Act or any other written law;
- (b) the accessing of the content is necessary for monitoring compliance with, or investigating a contravention of, this Act or any other written law;
- (c) the accessing of the content is solely for the purposes of proceedings in a Singapore court or tribunal;
- (d) the accessing of the content is both —
  - (i) necessary and solely for, or of assistance in, conducting scientific, medical, academic or historical research; and
  - (ii) reasonable in the circumstances for the purpose of conducting that scientific, medical, academic or historical research.

*[Act 38 of 2022 wef 01/02/2023]*

### **Modification of section 50**

**45S.**—(1) Where the person that commits an offence under section 50(2) or (3) is a provider of a regulated online communication service and with respect to documents or information relating to that service, that person shall be liable on conviction to a fine not exceeding \$1 million despite section 50(4).

(2) The power under section 50(1) to require the provision of documents relating to an online communication service includes power to require the production of documents held outside Singapore.

*[Act 38 of 2022 wef 01/02/2023]*

### **Interpretation of this Part**

**45T.**—(1) In this Part, unless the context otherwise requires —

“advocate”, in relation to any conduct, means counsel, promote, encourage or urge the engaging in that conduct;

“child” means an individual who is below 18 years of age;

“functionality”, in relation to an online communication service, has the meaning given by section 2A;

“harm” includes harm to an individual’s mental health;

“section 45H direction” means a direction given under section 45H to a provider of an online communication service, and includes such a direction that is varied under section 59(3) on appeal;

“section 45I blocking direction” means a direction given under section 45I to a provider of an internet access service, and includes such a direction varied under section 59(3) on appeal;

“social media service” means an electronic service that satisfies all the following characteristics:

- (a) the sole or primary purpose of the service is to enable online interaction or linking between 2 or more end-users (including enabling end-users to share content for social purposes);
- (b) the service allows end-users to communicate content on the service;
- (c) any other characteristics that are prescribed by Part 10A regulations;

“system or process” includes —

- (a) a human or an automated system or process; and
- (b) any technology;

“user-generated content” has the meaning given by section 2A.

(2) To avoid doubt, “content” in this Part includes user-generated content.

(3) Where —

- (a) by or under any provision of this Part or any Part 10A regulations or any direction given under this Part, an act or a thing is required or directed to be done within a particular

period or before a particular time, or any extended period or time that the Authority may allow;

- (b) failure to do that act or thing within the period or before the time mentioned in paragraph (a) constitutes an offence; and
- (c) that act or thing is not done within the period or before the time mentioned in paragraph (a),

the obligation to do that act or thing continues, even though that period has expired or that time has passed, until that act or thing is done.

(4) For the purposes of this Part, an online communication service has a Singapore end-user link if, and only if, all or any of the end-users of that service are Singapore end-users.

*[Act 38 of 2022 wef 01/02/2023]*

## 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, any provider of an online communication service or any provider of an internet access service (as the case may be) 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.

*[Act 38 of 2022 wef 01/02/2023]*

(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.

(5) In relation to the Minister determining an appeal against any online Code of Practice issued or any direction given by, or the exercise of any discretion vested in, the Authority under Part 10A, sections 45H, 45I, 45K, 45L(3) and (4) and 45N(1) apply as if the reference to the Authority in any limit as to any online Code of Practice issued or any direction given by, or the exercise of any discretion under those respective sections, were a reference to the Minister.

*[Act 38 of 2022 wef 01/02/2023]*

**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 under or pursuant to an enforcement order under any process of a court in any bankruptcy or insolvency proceedings by any person without the prior approval of the Minister in writing.

*[Act 25 of 2021 wef 01/04/2022]*

- (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 documents**

**64.**—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;
- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's or unincorporated association's registered office or principal office in Singapore;
- (c) by sending it by fax to the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore; or
- (d) by sending it by email to the body corporate's or unincorporated association's last email address.

(5) In addition, a document permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

- (a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents;
- (b) where by the exercise of reasonable diligence, the name of any individual or a body of persons to whom the document is to be served, or the business address, residential address or last email address of the individual or body, cannot be ascertained — by posting it on a website that is maintained by the Authority and prescribed by the Minister by notification in the *Gazette* for this purpose; or
- (c) by any other method authorised by the regulations for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way.



- (6) Service of a document under this section takes effect —
- (a) if the document is sent by fax and a notification of successful transmission is received — on the day of transmission;
  - (b) if the document is sent by email — at the time that the email becomes capable of being retrieved by the person to whom it is sent;
  - (c) if the document is sent by prepaid registered post — 2 days after the day the document was posted (even if it is returned undelivered); or
  - (d) if the document is posted on a website mentioned in subsection (5)(b) — at the beginning of the day after the date on which subsection (5)(b) has been complied with.

(7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification, may be effected only with the person's prior consent (express or implied) to service in that way.

(8) This section does not apply to documents to be served in proceedings in court.

(9) In this section —

“Act” includes any subsidiary legislation made under this Act;

“business address” means —

- (a) in the case of an individual, the individual's usual or last known place of business, or place of employment, in Singapore; or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

“chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the person giving or serving the document as the means by which the addressee may access that document's contents;

“chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by which the addressee may be notified that such a document has been served on the addressee;

“document” includes a notice permitted or required by this Act to be served;

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

“residential address” means an individual’s usual or last known place of residence in Singapore.

[Act 38 of 2022 wef 01/02/2023]

### **Financial penalties, etc., payable to Consolidated Fund**

**64A.** All fines imposed under section 12(1) and all financial penalties ordered under section 45N(1) —

(a) may be recovered by the Authority in any court of competent jurisdiction as if they were simple contract debts; and

(b) must be paid into the Consolidated Fund.

[Act 38 of 2022 wef 01/02/2023]

### **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*]

### **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).

FIRST SCHEDULE — *continued*

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.
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

*First column**Second column**Licensable broadcasting service**Provider*

1. Subscription nationwide television service
- (a) StarHub Cable Vision Ltd.
- (b) SingNet Pte. Ltd.

## FOURTH SCHEDULE

Sections 2A(1), 2B(1), 2C and 2D(1)  
and (4)

## ONLINE COMMUNICATION SERVICES

1. Social media service.

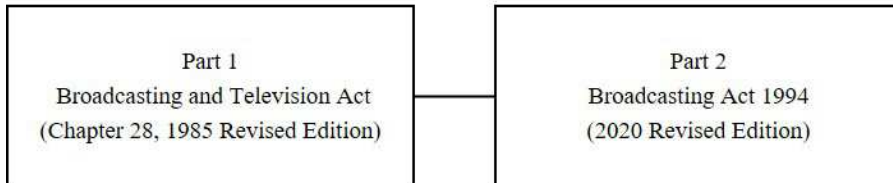
*[Act 38 of 2022 wef 01/02/2023]*

# 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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**25. G.N. No. S 26/2022 — Variable Capital Companies (Consequential Amendments to Other Acts) Order 2022**

Commencement	:	13 January 2022
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**26. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021**

(Amendments made by section 84 of the above Act)

Bill	:	18/2021
First Reading	:	26 July 2021
Second and Third Readings	:	14 September 2021
Commencement	:	1 April 2022

**27. Act 31 of 2022 — Statutes (Miscellaneous Amendments) Act 2022**

Date of First Reading	:	12 September 2022 (Bill No. 24/2022)
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Date of Second and Third Readings : 3 October 2022

Date of commencement : 1 November 2022 (section 23(1))

**28. Act 38 of 2022 — Online Safety (Miscellaneous Amendments) Act 2022**  
(Amendments made by the above Act)

Bill : 28/2022

First Reading : 3 October 2022

Second and Third Readings : 9 November 2022

Commencement : 1 February 2023

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

**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.

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