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TELECOMMUNICATIONS ACT 1999

TELECOMMUNICATIONS (DISPUTE RESOLUTION SCHEME) REGULATIONS 2022

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Definitions
 3. Participation in approved dispute resolution schemes
The Schedule
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In exercise of the powers conferred by sections 52 and 97 of the Telecommunications Act 1999, the Info-communications Media Development Authority, with the approval of the Minister for Communications and Information, makes the following Regulations:

Citation and commencement

1. These Regulations are the Telecommunications (Dispute Resolution Scheme) Regulations 2022 and come into operation on 1 April 2022.

Definitions

2.—(1) In these Regulations —

“applicable date”, in relation to an applicable dispute, means the date on which the applicable dispute is referred to the operator of an approved dispute resolution scheme for resolution under that scheme;

“applicable dispute” means a dispute that arises from or relates to —

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- (a) the provision of an applicable telecommunication service by a declared telecommunication licensee to an applicable subscriber, including the amount payable by the applicable subscriber for that service; or
 - (b) the provision of a premium rate service by a person (*P*) other than a declared telecommunication licensee to an applicable subscriber, where —
 - (i) the premium rate service is provided using a telecommunication system provided or operated by the declared telecommunication licensee; and
 - (ii) the declared telecommunication licensee, under a contract or other arrangement with *P*, bills the applicable subscriber for, and collects from the applicable subscriber, the amount payable for the premium rate service;

“applicable subscriber” means a subscriber of an applicable telecommunication service, provided by a declared telecommunication licensee, that is —

- (a) an individual;
- (b) a person carrying on business in Singapore (including an individual carrying on business as a sole proprietor) —
 - (i) whose gross revenue before tax, in the 12 months ending on the applicable date, is not more than \$1 million; and
 - (ii) who is or has been required by the declared telecommunication licensee to pay, in the 6 months ending on the applicable date in relation to all applicable telecommunication services provided to the person during that period, an aggregate amount (excluding goods and services tax charged) not exceeding \$5,000; or

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- (c) an exempt charity or a registered charity or registered society (*C*) which is or has been required by the declared telecommunication licensee to pay, in the 6 months ending on the applicable date in relation to all applicable telecommunication services provided to *C* during that period, an aggregate amount (excluding goods and services tax charged) not exceeding \$5,000;

“applicable telecommunication service” excludes the following telecommunication services:

- (a) directory services;
- (b) payphone services;

“approved dispute resolution scheme” means the dispute resolution scheme called the Telecommunication and Subscription Television Dispute Resolution Scheme, the operator of which is the Singapore Mediation Centre, that —

- (a) provides for mediation and further dispute resolution of applicable disputes; and
- (b) is approved by the Authority under section 51(1) of the Act;

“charity” and “exempt charity” have the meanings given by section 2(1) of the Charities Act 1994;

“party” means either of the following who is a party to a mediation or further dispute resolution proceeding under the approved dispute resolution scheme of an applicable dispute:

- (a) an applicable subscriber;
- (b) a declared telecommunication licensee;

“registered charity” means a charity registered under section 7 of the Charities Act 1994;

“registered society” has the meaning given by section 2 of the Societies Act 1966.

(2) To avoid doubt, an applicable subscriber is regarded as having subscribed to an applicable telecommunication service if the applicable subscriber is required, under a contract or other agreement with a declared telecommunication licensee providing that service, to pay a fee or charge to the declared telecommunication licensee for providing that service to the applicable subscriber, whether on a one-off or recurring basis.

Participation in approved dispute resolution schemes

3. Every declared telecommunication licensee must participate in the approved dispute resolution scheme in accordance with the terms and conditions set out in the Schedule.

THE SCHEDULE

Regulation 3

TERMS AND CONDITIONS OF PARTICIPATION IN TELECOMMUNICATION AND SUBSCRIPTION TELEVISION DISPUTE RESOLUTION SCHEME

1. Where a declared telecommunication licensee is aware that an applicable subscriber has notified the Singapore Mediation Centre (called in this Schedule the Scheme operator) that the applicable subscriber intends for an applicable dispute involving the declared telecommunication licensee to be resolved under the Telecommunication and Subscription Television Dispute Resolution Scheme (called in this Schedule the Scheme), the declared telecommunication licensee must, before considering any other method of dispute resolution (including litigation), refer the applicable dispute for mediation and further dispute resolution under the Scheme by the Scheme operator.

2. If an applicable dispute involving a declared telecommunication licensee is referred for mediation under the Scheme and —

- (a) no agreement is arrived at between the parties in settlement of the applicable dispute for any reason, such as either of the following:
 - (i) the applicable subscriber opts against mediation or continuing with mediation (as the case may be) under the Scheme;
 - (ii) the time delimited under the Scheme for mediating parties to arrive at an agreement has expired; and
- (b) the declared telecommunication licensee is aware that the applicable subscriber has notified the Scheme operator that the applicable

THE SCHEDULE — *continued*

subscriber consents to the applicable dispute being referred for further dispute resolution under the Scheme,

that declared telecommunication licensee must, before considering any other method of dispute resolution (including litigation), submit the applicable dispute for further dispute resolution under the Scheme.

3. A declared telecommunication licensee that is a party to an applicable dispute referred for mediation and further dispute resolution under the Scheme must —

- (a) pay 90% of the total cost of mediation of the applicable dispute under the Scheme; and
- (b) subject to paragraph 4, pay 70% of the cost of further dispute resolution of that applicable dispute under the Scheme.

4. Where —

- (a) an applicable dispute involving a declared telecommunication licensee and an applicable subscriber is referred for mediation and further dispute resolution under paragraph 1; and
- (b) the applicable subscriber informs the Scheme operator in writing or by any other mode specified by the Scheme operator that the applicable subscriber wishes for the applicable dispute to be referred to dispute resolution under the Scheme directly without prior mediation,

the declared telecommunication licensee must pay 50% of the cost of the dispute resolution of the applicable dispute under the Scheme.

5. Nothing in these Regulations obliges an applicable subscriber to resolve an applicable dispute by way of the Scheme, and the applicable subscriber may commence an action against a declared telecommunication licensee in relation to the applicable dispute in court.

6. A declared telecommunication licensee that is a party to a dispute resolution proceeding under the Scheme may only be represented in that dispute resolution proceeding by an officer or employee (excluding legal counsel employed by the declared telecommunication licensee) who is authorised to make decisions on behalf of the declared telecommunication licensee in the conduct of dispute resolution proceedings under the Scheme.

Made on 23 March 2022.

CHAN YENG KIT
Chairperson,
Info-communications Media
Development Authority,
Singapore.

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