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BROADCASTING ACT 1994

BROADCASTING (ONLINE CODES OF PRACTICE PROCEDURE) RULES 2023

ARRANGEMENT OF RULES

Rule

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In exercise of the powers conferred by section 45L(2) of the Broadcasting Act 1994, the Minister for Communications and Information makes the following Rules:

Citation and commencement

1. These Rules are the Broadcasting (Online Codes of Practice Procedure) Rules 2023 and come into operation on 8 February 2023.

Definitions

2.—(1) In these Rules —

“contact address”, for a person, means any of the following nominated by the person for the receiving of documents under these Rules:

- (a) the person’s residential address in Singapore;
- (b) the person’s place of business or work in or outside Singapore;
- (c) an email address;

“proposal” means a proposal by the Authority —

- (a) to issue an online Code of Practice, including issuing any online Code of Practice to replace another online Code of Practice; or
- (b) to amend or revoke an online Code of Practice.

(2) Where the time specified by these Rules for doing any act expires on a Saturday, Sunday or public holiday, the act is in time if done on the next following day that is neither a Saturday, Sunday or public holiday.

Content of proposal

3.—(1) A proposal to issue an online Code of Practice, or to amend an online Code of Practice, must consist of —

- (a) a draft text of the proposed online Code of Practice to be issued (in replacement or otherwise), or the proposed amendment to an online Code of Practice, setting out —
 - (i) a description of the online communication service or regulated online communication service (as the case may be), the providers of which the proposed online Code of Practice or amendment (as the case may be) is intended to apply to or to affect; and
 - (ii) the provisions, specifications and particulars in relation to the proposal, and such other information and materials as are necessary to explain and illustrate the proposal; and

(b) any other relevant reports or documents.

(2) A proposal to revoke an online Code of Practice must —

- (a) identify the online Code of Practice to be revoked; and
- (b) consist of such information and materials as are necessary to explain and illustrate the proposal.

Notice of proposal

4.—(1) The Authority must, after notifying the Minister of its proposal —

- (a) give notice to the general public of the making of the proposal on <https://www.imda.gov.sg/regulations-and-licences/Regulations/consultations>; and
- (b) give notice of the proposal to —
 - (i) the providers of any online communication service or regulated online communication service (as the case may be), the providers of which the proposed online Code of Practice or amendment (as the case may be) is intended to apply to or to affect; or
 - (ii) the general public in any manner that will secure adequate publicity for the proposal.

(2) The notice required by paragraph (1)(b) to be given must —

- (a) state that the Authority has prepared a draft text of the proposed online Code of Practice to be issued, or the proposed amendment to an online Code of Practice, or of the revoking of an online Code of Practice, in the proposal; and
- (b) invite persons to whom the notice is given to give written objections to and representations about the proposal covered by the notice to the Authority at an address and within a specified period in accordance with paragraph (3).

(3) The period within which objections to and representations concerning a proposal covered by a notice required by paragraph (1)(b) must be a period of not less than 28 days after the notice is given.

Objections and representations

5.—(1) Any objection to or representation concerning a proposal must —

- (a) be in writing and in English;
- (b) be given to the Authority —
 - (i) at the address stated in the notice given under rule 4(1)(b); and
 - (ii) within the period specified in the notice in accordance with rule 4(3); and
- (c) be accompanied by a statement of the reasons or explanations for the objection or representation, and the contact address of the person making the objection or representation.

(2) The Authority may refuse any objection to or representation concerning a proposal that —

- (a) is given to the Authority after the expiry of the time limit for the giving of the objection or representation imposed by these Rules; or
- (b) is incomplete or otherwise not made in accordance with these Rules.

(3) The Authority is under no duty to hold in-person hearings and may decide an objection to or representation concerning a proposal without an in-person hearing.

Approval of proposal

6.—(1) Except where the Authority is of the opinion that an objection or representation is of a frivolous nature, the Authority must consider every objection or representation to a proposal which has been received by it within the period specified in accordance with rule 4(3) and which has not been withdrawn.

(2) After so considering the objections or representations to a proposal, the Authority may —

- (a) issue an online Code of Practice, with such modifications as the Authority may consider necessary;
- (b) amend or revoke an online Code of Practice, with such modifications as the Authority may consider necessary; or
- (c) withdraw the proposal in whole or in part,

and then give a notice to the general public as soon as practicable and in any manner that will secure adequate publicity for the making of that decision.

Made on 3 February 2023.

JOSEPH LEONG WENG KEONG
*Permanent Secretary,
Ministry of Communications
and Information,
Singapore.*

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