

BROADCASTING ACT
(CHAPTER 28, SECTION 9)

BROADCASTING (CLASS LICENCE) NOTIFICATION

ARRANGEMENT OF PARAGRAPHS

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[15th July 1996]

Citation

1. This Notification may be cited as the Broadcasting (Class Licence) Notification.

Definitions

2. For the purposes of this Notification —

“Internet Content Provider” means —

- (a) any individual in Singapore who provides any programme, for business, political or religious purposes, on the World Wide Web through the Internet; or
- (b) any corporation or group of individuals (including any association, business, club, company, society, organisation or partnership, whether registrable or incorporated under the laws of Singapore or not) who provides any programme on the World Wide Web through the Internet,

and includes any web publisher and any web server administrator;

“Internet Service Provider” means any of the following persons:

- (a) an Internet Access Service Provider licensed under section 5 of the Telecommunications Act (Cap. 323);
- (b) a Localised Internet Service Reseller; or
- (c) a Non-localised Internet Service Reseller;

“Localised Internet Service Reseller” means a person —

- (a) who obtains Internet access from an Internet Access Service Provider or from a Non-localised Internet Service Reseller;
- (b) who provides Internet services obtained from the Internet Access Service Provider, or the Non-localised Internet Service Reseller, to all or part of the public; and
- (c) whose Internet services are available for reception only within a single building, dwelling-house, hospital, educational institution, residential, commercial or industrial complex, or any other single temporary or permanent structure,

but does not include a person who provides Internet services to that person’s own employees for use solely within that person’s firm or corporation;

“Non-localised Internet Service Reseller” means a person who —

- (a) obtains Internet access from an Internet Access Service Provider; and
- (b) provides Internet services obtained from the Internet Access Service Provider to all or part of the public by leased telecommunication lines, integrated services digital networks, modems or by any other wired or wireless means,

but does not include a person who provides Internet services to that person's own employees for use solely within that person's firm or corporation;

“VAN computer on-line service” means a computer on-line service that is licensed as a Value Added Network service under section 5 of the Telecommunications Act.

Licensable broadcasting services subject to class licence

3. The provision of the following licensable broadcasting services are subject to a class licence, except a computer on-line service provided on or after such date as the Authority specifies in a notice given to the provider of the service under paragraph 3A:

- (a) audiotext services;
- (b) videotext services;
- (c) teletext services;
- (d) broadcast data services;
- (e) VAN computer on-line services; and
- (f) computer on-line services that are provided by Internet Content Providers and Internet Service Providers.

Exclusion from class licence

3A.—(1) A notice may be given by the Authority to any person who provides a computer on-line service in or from Singapore, whether for payment or free, and whether at regular intervals or otherwise —

- (a) that is accessed from at least 50,000 different Internet protocol addresses in Singapore per month on average, over any period of 2 consecutive months; and
- (b) that contains at least one Singapore news programme per week on average, over the same period of 2 consecutive months referred to in sub-paragraph (a),

and that notice shall not cease to have effect by reason only that the computer on-line service concerned ceases subsequently to satisfy sub-paragraph (a) or (b) during the validity of any broadcasting licence under section 8 of the Act relating to that service.

(2) For the purposes of reckoning access and content under sub-paragraph (1)(a) and (b) —

- (a) where a computer on-line service is provided by a web site with a domain and one or more sub-domains, all sub-domains shall be regarded as part of the domain of the web site; and
- (b) where a computer on-line service is provided by a web site in or from Singapore (referred to in this sub-paragraph as the original web site) which is duplicated on or transferred to one or more other web sites in or from Singapore (referred to in this sub-paragraph as the mirrored web site), all mirrored web sites shall be regarded as part of the original web site.

(3) In this paragraph, “Singapore news programme” means any programme (whether or not the programme is presenter-based and whether or not the programme is provided by a third party) containing any news, intelligence, report of occurrence, or any matter of public interest, about any social, economic, political, cultural, artistic, sporting, scientific or any other aspect of Singapore in any language (whether paid or free and whether at regular intervals or otherwise) but does not include any programme produced by or on behalf of the Government.

Conditions of class licence

4. The conditions of the class licence referred to in paragraph 3 are set out in the Schedule.

Application of conditions

5. The conditions of the class licence set out in the Schedule apply to the provision of any licensable broadcasting service that is subject to a class licence where the service is available or continues to be provided after 15th July 1996 notwithstanding that the service was available or first provided before 15th July 1996.

THE SCHEDULE

Paragraph 4

CONDITIONS OF CLASS LICENCE

1. In this Schedule —

“licensee” means a person who provides a licensable broadcasting service that is subject to a class licence under section 9 of the Act;

“newspaper” means any publication containing

- (a) news;
- (b) intelligence;
- (c) reports of occurrences;
- (d) remarks;
- (e) observations; or
- (f) comments,

and published in any form, for sale or free distribution, at regular intervals or otherwise, but does not include any publication published by or for the Government.

“service” means a licensable broadcasting service that is subject to a class licence under section 9 of the Act.

2.—(1) An Internet Service Provider shall —

- (a) register with the Authority within 14 days of providing the service;
- (b) faithfully and truthfully furnish such information and such undertakings, as the Authority may require in connection with the provision of the Internet Service Provider’s service; and
- (c) pay the following licence fees:
 - (i) for the provision of a computer on-line service by an Internet Access Service Provider, \$1,000 per annum;
 - (ii) for the provision of a computer on-line service by a Non-localised Internet Service Reseller —
 - (A) where the service is provided to 500 user-accounts or more, \$1,000 per annum; and
 - (B) where the service is provided to less than 500 user-accounts, \$100 per annum; and

THE SCHEDULE — *continued*

(iii) for the provision of a computer on-line service by a Localised Internet Service Reseller, \$100 per annum for each premise at which the computer on-line services are provided.

(2) Sub-paragraph (1) does not apply to a Localised Internet Service Reseller who, in the opinion of the Authority, provides Internet services —

- (a) for purposes only incidental to its primary business; or
- (b) for purposes of demonstration only on an occasional basis.

2A.—(1) An Internet Service Provider who is an Internet Access Service Provider licensed under section 5 of the Telecommunications Act (Cap. 323) (referred to in this paragraph as an Internet Access Service Provider) shall —

- (a) upon receiving, on or after 23rd February 2012, any request by any of its relevant subscribers, offer to provide that relevant subscriber Internet content filtering arrangements;
- (b) inform any prospective relevant subscriber in Singapore of the availability of Internet content filtering arrangements before providing, on or after 23rd February 2012, to the prospective relevant subscriber first access to the Internet;
- (c) inform a relevant subscriber of the availability of Internet content filtering arrangements before renewing, on or after 23rd February 2012, the subscription of that relevant subscriber; and
- (d) for the duration of the relevant subscriber's subscription, provide reasonable technical support to the relevant subscriber with respect to the provision of Internet content filtering arrangements.

(2) If the Authority is satisfied that content in a programme on the World Wide Web is undesirable, harmful or obscene, and the Authority gives to an Internet Access Service Provider written notice that end-users should be prevented from accessing that content on the Internet, the Internet Access Service Provider shall take all reasonable steps to modify, or to enable the relevant subscribers to modify, the Internet content filtering arrangements to prevent such end-users from accessing that content.

(3) In this paragraph —

“a relevant subscriber” means a person in Singapore who —

- (a) subscribes to any computer online service that enables the person to obtain through any telecommunication line access to the Internet at a private residence, whether or not owned by the relevant subscriber; or

THE SCHEDULE — *continued*

- (b) subscribes, on or after 30th June 2012, to any computer online service (excluding the excepted services) that enables the person to obtain access to the Internet through radio-communication;

“excepted services” means —

- (a) computer online service providing access to the Internet through radio-communication, for which the subscriber is not required to pay any type of fee as consideration, and is not required to accept as a condition for the computer online service, any condition that is not directly connected with the provision of the computer online service; or
- (b) computer online service providing access to the Internet through radio-communication in connection with a telecommunication technical trial or market trial licensed under section 5 of the Telecommunications Act;

“Internet content filtering arrangements” means any arrangement (whether or not involving Internet content filtering software installed at the Internet Access Service Provider’s computer equipment or the relevant subscriber’s computer equipment) that is likely to provide a reasonably effective means of preventing access by children and other end-users to such content in any programme on the World Wide Web that is undesirable, harmful or obscene or potentially undesirable, harmful or obscene, and that was selected by the relevant subscriber.

3.—(1) Subject to sub-paragraph (2), an Internet Content Provider who is or is determined by the Authority to be a political party registered in Singapore providing any programme on the World Wide Web through the Internet shall register with the Authority within 14 days of the commencement of its service.

(2) Notwithstanding sub-paragraph (1), the Authority may permit the Internet Content Provider to register with the Authority within such longer time as the Authority may permit.

4. An Internet Content Provider who is or is determined by the Authority to be a body of persons engaged in the propagation, promotion or discussion of political or religious issues relating to Singapore on the World Wide Web through the Internet, shall register with the Authority within 14 days after the commencement of its service, or within such longer time as the Authority may permit.

5. If required by the Authority to do so by notice in writing —

- (a) an Internet Content Provider who is, or is determined by the Authority to be, in the business of providing through the Internet an on-line newspaper for a subscription fee or other consideration; and

THE SCHEDULE — *continued*

- (b) an Internet Content Provider who is, or is determined by the Authority to be, an individual providing any programme, for the propagation, promotion or discussion of political or religious issues relating to Singapore, on the World Wide Web through the Internet,

shall register with the Authority within the time stipulated by the Authority in the notice.

6. An Internet Content Provider who is required to register or re-register, as the case may be, under paragraph 3, 4 or 5 shall —

- (a) register or re-register in such form and manner as the Authority may determine; and
- (b) provide the Authority with such particulars and undertakings as the Authority may require in connection with the provision of the Internet Content Provider's service.

7. A licensee who is required to register or re-register, as the case may be, under paragraph 2, 3, 4 or 5 shall give the Authority 14 days written notice of its intention to terminate the provision of its service.

8. A licensee shall at all times comply with the laws of Singapore.

9. A licensee shall —

- (a) assist the Authority in the investigation into —
 - (i) any breach of its licence; or
 - (ii) any alleged violation of any law committed by the licensee or any other person; and
- (b) produce such information, records, documents, data or other materials as may be required by the Authority for the purpose of the investigation.

10.—(1) A licensee who intends to broadcast its service on —

- (a) a radio frequency;
- (b) any spare capacity or sub-carrier on a television or radio channel; or
- (c) television lines in the Vertical Blanking Interval,

shall, before the commencement of the broadcast of its service, apply to the Authority for approval to broadcast its service by such means.

(2) A licensee shall comply with the conditions attached to any approval issued by the Authority under sub-paragraph (1), which may include the condition requiring the payment of spectrum utilisation fees.

THE SCHEDULE — *continued*

11. A licensee who provides a teletext service after 1st December 2003 shall pay an annual licence fee of \$2,000 for each period of 12 months commencing from —

- (a) that date if the licensee starts to provide, or is continuing to provide a teletext service it is already providing on that date; or
- (b) the date the licensee starts providing its teletext service.

11A. A licensee who provides an audiotext service shall register with the Authority within 14 days of 15th April 2004, or in the case where it provides the service after that date, within 14 days of providing the service.

12. The licensee shall keep and furnish to the Authority all information, records, documents, data or other materials concerning or relating to the provision of its service as the Authority may, from time to time, require.

13. A licensee shall use its best efforts to ensure that its service —

- (a) complies with such Codes of Practice as the Authority may issue from time to time; and
- (b) is not used for any purpose, and does not contain any programme, that —
 - (i) is against the public interest, public order or national harmony; or
 - (ii) offends against good taste or decency.

14. An Internet Content Provider who provides a webpage on the World Wide Web through the Internet to which other persons are invited to contribute or post programmes shall use its best efforts to ensure that such programmes conform with such applicable Codes of Practice as the Authority may issue from time to time.

15. A licensee who provides any licensable broadcasting service referred to in paragraph 3(a) to (e) of this Notification, shall —

- (a) ensure that its service is not used for, or in furtherance of, games and lotteries, the conduct of which is an offence under the Common Gaming Houses Act (Cap. 49) unless the licensee is exempted from the provisions of that Act;
- (b) avoid the broadcast of horse-racing analyses, commentaries or tips, other than horse-racing results, for the purpose of gambling;
- (c) ensure that its service is not used to advertise, provide or otherwise promote —
 - (i) astrology;
 - (ii) geomancy;
 - (iii) palmistry; or

THE SCHEDULE — *continued*

- (iv) any other type of fortune-telling device
- (d) ensure that its service is not used for the solicitation of prostitution or for any other immoral activity;
- (e) ensure that any professional advice, or any specialist consultancy service, offered on its service is offered by persons with qualifications recognised by the relevant professional bodies in Singapore;
- (f) in the case of the broadcast of sound recordings, ensure that only sound recordings that are acceptable to the Authority are broadcast; and
- (g) in the case of the broadcast of films or video recordings, ensure that only films and video recordings that are approved for exhibition under the Films Act (Cap. 107) or exempted from the provisions of that Act or to which that Act does not apply are broadcast.

16. A licensee shall remove, or prohibit the broadcast of, the whole or any part of a programme included in its service if the Authority informs the licensee that the broadcast of —

- (a) the whole or part of the programme is contrary to a Code of Practice applicable to the licensee; or
- (b) the programme —
 - (i) is against the public interest, public order or national harmony; or
 - (ii) offends against good taste or decency.

17. If any doubt arises as to whether a licensee has used its best efforts in compliance with the conditions of this licence, the licensee shall be treated as having used its best efforts if it satisfies the Authority that it took all reasonable steps in the circumstances.

18. Nothing in this Schedule shall exempt the licensee from complying with the requirements of any other written law relating to the provision of the licensee's service.

[G.N. Nos. S 306/96; S 496/2001; S 555/2003]

LEGISLATIVE HISTORY
BROADCASTING (CLASS LICENCE) NOTIFICATION
(CHAPTER 28, N 1)

This Legislative History is provided for the convenience of users of the Broadcasting (Class Licence) Notification. It is not part of this Notification.

1. G. N. No. S 306/1996 — Singapore Broadcasting Authority (Class Licence) Notification 1996

Date of commencement : 15 July 1996

2. 1997 Revised Edition — Singapore Broadcasting Authority (Class Licence) Notification

Date of operation : 1 January 1997

3. G. N. No. S 496/2001 — Singapore Broadcasting Authority (Class Licence) (Amendment) Notification 2001

Date of commencement : 10 October 2001

4. G. N. No. S 555/2003 — Broadcasting (Class Licence) (Amendment) Notification 2003

Date of commencement : 1 December 2003

5. 2004 Revised Edition — Broadcasting (Class Licence) Notification

Date of operation : 29 February 2004

6. G. N. No. S 196/2004 — Broadcasting (Class Licence) (Amendment) Notification 2004

Date of commencement : 15 April 2004

7. G.N. No. S 70/2012 — Broadcasting (Class Licence) (Amendment) Notification 2012

Date of commencement : 23 February 2012

8. G.N. No. S 330/2013 — Broadcasting (Class Licence) (Amendment) Notification 2013

Date of commencement : 1 June 2013