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GOVERNMENT GAZETTE

ACTS SUPPLEMENT

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The following Act was passed by Parliament on 21st November 2011 and assented to by the President on 8th December 2011:—

REPUBLIC OF SINGAPORE

No. 19 of 2011.

I assent.

(LS)

TONY TAN KENG YAM,
President.
8th December 2011.

An Act to amend the Telecommunications Act (Chapter 323 of the 2000 Revised Edition), and to make consequential and related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Telecommunications (Amendment) Act 2011 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Telecommunications Act is amended —

- (a) by deleting the definition of “ “code of practice” and “standard of performance” ” and substituting the following definition:

“ “code of practice” means a code of practice issued or approved under section 19 or 26;”;

- (b) by deleting the words “telecommunication purposes” in the definition of “equipment” and substituting the words “telecommunications, including (for the avoidance of doubt) any such appliance, apparatus or accessory capable of being used for the operation of any broadcasting service”;

- (c) by inserting, immediately after the definition of “installation or plant used for telecommunications”, the following definition:

“ “Media Development Authority of Singapore” means the Media Development Authority of Singapore established under the Media Development Authority of Singapore Act (Cap. 172);”;

- (d) by inserting, immediately after the definition of “shares”, the following definition:

“ “standard of performance” means a standard of performance issued or approved under section 26;” and

- (e) by inserting, immediately after the word “telecommunications” in the definition of “telecommunication system”, the words “, including (for the

avoidance of doubt) any such system capable of being used for the operation of any broadcasting service”.

Amendment of section 5A

3. Section 5A(9) of the Telecommunications Act is amended by deleting paragraph (d) and substituting the following paragraph:

- “(d) impose on a person who is granted any spectrum right, for the breach of any of the conditions of that grant or of any direction issued under this section, a financial penalty of an amount not exceeding the higher of the following amounts:
- (i) 10% of the annual turnover of that part of the person’s business in respect of which the person is granted the spectrum right, as ascertained from the person’s latest audited accounts; or
 - (ii) \$1 million.”.

New section 5B

4. The Telecommunications Act is amended by inserting, immediately after section 5A, the following section:

“Power to license satellite orbital slots

5B.—(1) The Authority may, with the consent of or in accordance with the terms of a general authority given by the Minister, grant a licence for the use of any satellite orbital slot —

- (a) unconditionally or subject to such conditions as the Authority may impose and specify in the licence; and
 - (b) irrevocably or subject to revocation as specified in the licence.
- (2) A licence under subsection (1) —
- (a) may be granted to any person or class of persons, or to a particular person; and

(b) may include (without prejudice to the power to impose conditions conferred by that subsection) conditions requiring —

- (i) the licensee to enter into agreements or arrangements with any person or class of persons, or with another telecommunication licensee, for coordination of radio frequencies;
- (ii) the payment to the Authority of a fee on the grant of the licence, of periodic fees during the currency of the licence, or of both, each fee being of such amount as may be determined by or under the licence;
- (iii) the licensee to comply with any direction given by the Authority as to such matters as are specified in the licence, or as are of a description specified in the licence;
- (iv) the licensee to comply with codes of practice and standards of performance that are applicable to the licensee; and
- (v) the licensee to do, or to refrain from doing, such things as are specified in the licence, or as are of a description specified in the licence.

(3) Any payment required by subsection (2)(b)(ii) to be rendered to the Authority may be recovered by the Authority in any court of competent jurisdiction as if the payment were a simple contract debt.

(4) No person shall question whether the grant of a licence under subsection (1) was, or was not, effected with the consent of or in accordance with the terms of a general authority given by the Minister, and the validity of a licence granted under that subsection shall not be impugned on the ground that it was granted neither with the consent of nor in accordance with the terms of a general authority given by the Minister.

(5) The grant of licences under this section shall be at the discretion of the Authority.

(6) Nothing in this section shall prevent the Minister from directing the Authority to grant a licence in any specific case.”.

Amendment of section 8

5. Section 8 of the Telecommunications Act is amended —

(a) by deleting paragraph (ii) of subsection (1) and substituting the following paragraph:

“(ii) require the person to pay, within a specified period, a financial penalty of an amount not exceeding the higher of the following amounts:

(A) 10% of the annual turnover of that part of the person’s business in respect of which the person is granted the licence, as ascertained from the person’s latest audited accounts; or

(B) \$1 million.”;

(b) by deleting subsection (4) and substituting the following subsections:

“(4) An order under subsection (1)(i) —

(a) shall require the person concerned (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the order, or as are of a description specified in the order; and

(b) shall take effect at such time (being the earliest practicable time) as is determined by or under that order.

(4A) The Authority may at any time vary, suspend or revoke the whole or any part of an order under subsection (1)(i).”; and

(c) by inserting, immediately after subsection (6), the following subsection: