

Singapore Broadcasting Authority (Amendment) Bill

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Bill No: 19/2002

Read the first time: 23rd May 2002

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Expenditure of Public Money

Singapore Broadcasting Authority (Amendment) Bill

Bill No. 19/2002

Read the first time on 23rd May 2002.

An Act to amend the Singapore Broadcasting Authority Act (Chapter 297 of the 1995 Revised Edition).

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 Singapore Broadcasting Authority (Amendment) Act 2002 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(1) of the Singapore Broadcasting Authority Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the word “broadcast” in the definition of “broadcasting licence” and substituting the word “provision”; and
- (b) by deleting the definition of “subsidiary”.

Amendment of section 20

3. Section 20 of the principal Act is amended —

- (a) by inserting, immediately after the words “this section” in subsection (1), the words “or granted under section 21”;
- (b) by inserting, immediately after the words “broadcasting licence” in subsection (2), the words “, other than a class licence,”; and
- (c) by inserting, immediately after the words “free-to-air licence” in the 2nd line of subsection (4), the words “granted under this section”.

Amendment of section 43

4. Section 43 of the principal Act is amended —

- (a) by deleting the words “the Authority” in subsection (1) and substituting the words “the Minister under section 73(b)”;

- (b) by deleting the definition of “broadcasting company” in subsection (2) and substituting the following definitions:

““appointed day” means the date of commencement of the Singapore Broadcasting Authority (Amendment) Act 2002;

“broadcasting company” means a company incorporated or registered under the Companies Act (Cap. 50) 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 (Cap. 50) which holds a relevant licence;

“holding company” has the same meaning as in section 5 of the Companies Act;”.

Repeal and re-enactment of section 44

5. Section 44 of the principal Act is repealed and the following section substituted therefor:

“Special features of broadcasting company

44.—(1) No broadcasting company shall, on or after the appointed day, appoint a person as its chief executive officer or director, or as the chairman 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 shall be citizens of Singapore.

(3) No chief executive officer, director, or chairman of the board of directors, of a broadcasting company who was appointed before the appointed day shall be permitted by the broadcasting company to act as such on or after the appointed day unless —

- (a) his appointment as chief executive officer, director, or chairman of the board of directors, of the broadcasting company was approved by the Authority before the appointed day; or
- (b) his appointment as chief executive officer, director, or chairman 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 the appointed day or such longer period as the Authority may allow.

(4) Where the Authority does not approve the appointment of a person as chief executive officer, director or chairman of the board of directors under subsection (3)(b), the broadcasting company shall 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 thereof during which the offence continues after conviction.

(6) This section shall have effect notwithstanding 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 same meaning as in section 4(1) of the Companies Act (Cap. 50).”.

Repeal and re-enactment of section 45 and new sections 45A to 45H

6. Section 45 of the principal Act is repealed and the following sections substituted therefor:

“Application and interpretation of this section and sections 45A to 45H

45.—(1) This section and sections 45A to 45H shall 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 45A to 45H, 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 same meaning as in section 81 of the Companies Act (Cap. 50);

“voting share” has the same meaning as in section 4(1) of the Companies Act.

Control of substantial shareholdings in broadcasting companies

45A.—(1) No person shall, on or after the appointed day, become a substantial shareholder of a broadcasting company without first obtaining the approval of the Minister.

(2) Subject to section 45C(4), no person who, immediately before the appointed day, is a substantial shareholder of a broadcasting company shall continue to be a substantial shareholder unless he has, within 6 months after the appointed day or such longer period as the Minister may allow, applied to the Minister for approval to continue to be such a shareholder.

(3) No person shall, on or after the appointed day, 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 nominal amount of all voting shares in a broadcasting company without first obtaining the approval of the Minister.

(4) Subject to section 45C(4), no person who, at any time before the appointed day, has entered into any agreement or arrangement referred to in subsection (3) shall continue to be a party to such an agreement or arrangement unless he has, within 6 months after the appointed day or such longer period as the Minister may allow, applied to the Minister for approval to continue to be a party to such an agreement or arrangement.

(5) For the purposes of this section, a person has an interest in any share if —

- (a) he is deemed to have an interest in that share under section 7 of the Companies Act (Cap. 50); or
- (b) he otherwise has a legal or an equitable interest in that share except for such interest as is to be disregarded under section 7 of the Companies Act.