

Telecommunications (Amendment) Bill

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Bill No: 67/2004

Read the first time: 24th November 2004

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Explanatory Statement

Expenditure of Public Money

Telecommunications (Amendment) Bill

Bill No. 67/2004

Read the first time on 24th November 2004.

An Act to amend the Telecommunications Act (Chapter 323 of the 2000 Revised Edition) and to make a related amendment to the Broadcasting Act (Chapter 28 of the 2003 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 Telecommunications (Amendment) Act 2004 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 inserting, immediately after the definition of “Authority”, the following definition:

“ “broadcasting apparatus” and “broadcasting service” have the same meanings as in the Broadcasting Act (Cap. 28);”;

(b) by deleting the words “section 29” in the definition of “telecommunication cable detection work licence” and substituting the words “section 30”.

Amendment of section 5

3. Section 5(6) of the Telecommunications Act is amended by deleting the words “and any person aggrieved by a refusal of the Authority to grant a licence may, within 14 days

of the refusal, appeal to the Minister whose decision shall be final”.

New section 5A

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

“Power to grant spectrum right

5A.—(1) The Authority may, with the consent of or in accordance with the terms of a general authority given by the Minister, grant any spectrum right —

- (a) unconditionally or subject to such conditions as the Authority may impose and specify in the grant of the spectrum right, including conditions on the sharing and trading of radio frequency spectrum; and
- (b) irrevocably or subject to revocation as specified in the grant of the spectrum right for the allocation and use of the radio frequency spectrum specified in the grant.

(2) A spectrum right may be granted under subsection (1) to any person or class of persons, or to a particular person.

(3) Any condition imposed under subsection (1)(a) requiring payment to be rendered to the Authority may be recovered by it in any court of competent jurisdiction as if it were a simple contract debt.

(4) No person shall question whether the grant of a spectrum right 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 spectrum right 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 spectrum rights under subsection (1) shall be at the discretion of the Authority.

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

(7) Anything done under and in accordance with a spectrum right granted under subsection (1) shall not constitute an infringement of the privilege conferred by section 3.

(8) For the purposes of giving effect to this section or any of the regulations referred to in subsection (9), the Authority may give directions to any person who has been granted a spectrum right under subsection (1) concerning the use of the

spectrum right.

(9) For the purposes of giving effect to this section, the Authority may by regulations made under section 74 —

- (a) provide for the variation of the conditions of the grant of any spectrum right;
- (b) provide for the resumption, by agreement or compulsorily, of any spectrum right or part of any spectrum right;
- (c) provide for the suspension or cancellation of the grant of any spectrum right or part of any spectrum right and the grounds therefor; and
- (d) impose a financial penalty not exceeding \$1 million for the breach of any of the conditions of the grant of any spectrum right or of any direction issued under this section.”.

Amendment of section 7

5. Section 7 of the Telecommunications Act is amended —

- (a) by deleting subsection (4); and
- (b) by deleting subsection (5) and substituting the following subsection:

“(5) The Authority shall not enforce its direction —

- (a) during the period referred to in section 69(1) or (7);
- (b) whilst a reconsideration request of the public telecommunication licensee under section 69 in respect of a decision of the Authority under this section is under consideration by the Authority; or
- (c) whilst an appeal of the public telecommunication licensee under section 69 in respect of a decision of the Authority under this section is under consideration by the Minister.”.

Amendment of section 8

6. Section 8 of the Telecommunications Act is amended —

- (a) by deleting the word “or” at the end of subsection (1)(b);
- (b) by inserting, immediately after the words “section 27,” in subsection (1)(c), the words “32D or 32F(2); or”;