

TELECOMMUNICATIONS LAWS OF THE WORLD

Singapore



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SINGAPORE



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OVERVIEW OF LEGAL LANDSCAPE

With effect from 1 October 2016, the regulatory landscape changed with the restructuring of the Info-communication Development Authority of Singapore (IDA) and the Media Development Authority of Singapore (MDA) to form the Info-communications Media Development Authority of Singapore (IMDA). The IMDA - alongside accompanying telecommunications legislation and regulation - aims to pave the way for a pro-consumer and pro-business telecommunications environment within Singapore.

KEY TELECOMMUNICATIONS LAWS, REGULATIONS AND POLICIES

The Info-Communications Media Development Authority Act 2016 is an Act that establishes and incorporates the IMDA, to provide for its functions and powers, and for connected matters. It deals with matters that include:

- the establishment, incorporation and constitution of IMDA
- the functions, duties and powers of IMDA
- the staff, finances and assets of IMDA

Additionally, subsidiary legislation under the Info-Communications Media Development Authority Act can be found [here](#).

The Telecommunications Act 1999 is an Act that aims to provide for the operation and provision of telecommunication systems and services in Singapore. It deals with matters that include:

- the licencing of telecoms systems and services and the granting of spectrum rights
- the erection, maintenance and repair of telecom installations
- IMDA's powers to issue codes of practice, standards of performance, directions and advisory guidelines relating to telecom systems and services
- telecom cable detection work
- ownership and management controls over designated telecom licencees
- offences and penalties relating to telecom systems and services

Subsidiary legislation under the Telecommunications Act can be found [here](#).

In addition, the IMDA also regulates the provision of postal services and postal systems. While these are typically not categorized as telecommunications, postal and telecommunications services do fall under the same wider category of communications services.

REGULATORY BODIES OR AUTHORITIES

Infocomm Media Development Authority of Singapore (IMDA)

Address: 10 Pasir Panjang Road #03-01, Mapletree Business City, Singapore 117438

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TYPES OF TELECOMMUNICATIONS ACTIVITIES AND/OR PERSONS WHICH ARE SUBJECT TO LEGAL AND REGULATORY REQUIREMENTS

Broadly speaking, a telecommunication service is any service for telecommunications but excludes any broadcasting service. A telecommunication system means any system used or intended to be used for telecommunications, including any such system capable of being used for the operation of any broadcasting service. Any person who operates a network or provides a telecommunication service in Singapore must be licensed and will be regulated by the IMDA. This includes, but is not limited to facilities-based operators, service-based operators, any parties who establish Very Small Aperture Terminal (VSAT) networks, radio-communications stations operators and any parties who works on telecommunication cable detection works.

OVERVIEW OF CONSENTS, LICENCES AND AUTHORISATIONS REQUIRED PRIOR TO THE COMMENCEMENT OF TELECOMMUNICATIONS ACTIVITIES

The Info-communication Media Development Authority has the exclusive privilege for the operation and provision of telecommunication systems and services in Singapore. Under the Telecommunications Act 1999, the IMDA has authority to license telecommunication systems and services.

There are various licences regulated by IMDA, including but not limited to the following:

- Facilities Based Operators (FBO) licences for holders that intend to deploy telecoms infrastructure to provide telecoms services to other telecoms licence holders or end users. An FBO must be individually licensed.
- Service Based Operators (SBO) licences for holders that do not intend to deploy telecoms infrastructure, but instead lease telecoms network elements from FBO licence holders to provide telecoms services, or resell telecoms services of other telecoms licence holders. A SBO can be individually or class-licensed.

DOMICILE RESTRICTIONS PREVENTING THE OPERATION OF CERTAIN TELECOMMUNICATIONS ACTIVITIES BY NON-DOMICILED ENTITIES

In order for a company to be granted an FBO licence by the IMDA, the company can be foreign-owned but must be incorporated under the Singapore Companies Act 1967. As for SBO licensees, these must be companies incorporated or foreign companies registered under the Singapore Companies Act 1967. SBO (Class) licences may also be held by a Limited Liability Partnership (LLP) or a Limited Partnership.

EXISTENCE OF RELEVANT INTERCONNECTION/ROAMING REGULATIONS

The Code of Practice for Competition in the Provision of Telecommunications and Media Services 2022 ('Code') distinguishes between licensees who are able to act without significant competitive restraints from competitors and licensees who are not able to act without significant competitive restraints from competitors. Most licensees are subject to competitive market forces and,

therefore, IMDA will impose minimum regulatory 'rules of the road', coupled with the *ex post* enforcement of general prohibitions on anti-competitive conduct, on these licensees. By contrast, where a licensee's or regulated person's conduct is not constrained by competitive market forces, IMDA will require it to comply with more stringent regulatory requirements (The Code 2.1).

Several sections of the Code impose *ex ante* regulatory obligations on licensees. Some of these duties include:

- The duty to provide service at just and reasonable prices, terms and conditions;
- Non-discrimination;
- Service unbundling;
- Duty to provide service on reasonable request;
- Duty to allow resale of end-user services;
- Duty to allow sales agency
- Duty for Wholesale Services; and
- Duties in relation to tariffs.

Other sections of the Code provide a basis for IMDA to take enforcement action if a Licensee has engaged in conduct that unreasonably restricts, or is likely to unreasonably restrict, competition (*ex post* enforcement). These include:

- Abuse of dominant position and unfair methods of competition
- Agreements involving Licensees that unreasonably restrict competition

TELECOMMUNICATION LAWS AND REGULATIONS AFFECTING CONSUMERS

There are no major differences between the telecommunication laws and regulations applying to the provision of services to businesses and those which apply to the provision of services to consumers. Specifically, consumer protection provisions in the Code apply equally to both residential and business end users in the telecommunications market. This is except for the prohibition of detrimental or disadvantageous mid-contract changes which will only be applied to residential end users.

REGULATORY TAXES AND FEES

SBO Class Licence

SGD 200 per licence (one-time payment).

SBO Individual Licence

SGD 4,000 per annum licensing fee for the first SGD 50 million of the Annual Gross Turnover (AGTO).

The next SGD 50-100 million in AGTO attracts a fee of 0.5% of the AGTO.

For a company with above SGD 100 million in the AGTO, there is a licensing fee of 0.8% of the AGTO.

FBO Licence

SGD 80,000 or SGD 200,000 minimum licensing fee for the first SGD 50 million of the Annual Gross Turnover (AGTO), depending on whether the FBO licensee is an FBO or an FBO designated as a public telecommunication licensee.

The next SGD 50-100 million in AGTO attracts a fee of 0.8% of the AGTO.

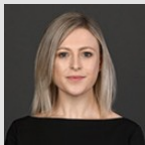
For a company with above SGD 100 million in the AGTO, there is a licensing fee of 1% of the AGTO.

FBO licensees holding licences for terrestrial telecommunication network for broadcasting purposes only or satellite uplink / downlink for broadcasting purposes must pay an annual fee of SGD 5,000.

KEY SANCTIONS AND PENALTIES IN THE CASE OF CONTRAVENTION OF TELECOMMUNICATIONS LAWS AND REGULATIONS

Any person guilty of an offence under the Telecommunications Act or any regulations made under it, may be subject to a fine not exceeding SGD 10,000, or to imprisonment for a term not exceeding three years or to both and, in the case of a continuing offence, to a further fine not exceeding SGD 1,000 for every day or part thereof during which the offence continues after conviction.

KEY CONTACTS



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