

**TELECOMMUNICATIONS ACT
(CHAPTER 323)**

**TELECOMMUNICATIONS (RADIO-COMMUNICATION)
(AMENDMENT) REGULATIONS 2005**

In exercise of the powers conferred by section 74 of the Telecommunications Act, the Info-communications Development Authority of Singapore, with the approval of the Minister for Information, Communications and the Arts, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Telecommunications (Radio-communication) (Amendment) Regulations 2005 and shall come into operation on 11th November 2005.

Deletion and substitution of regulation 16

2. Regulation 16 of the Telecommunications (Radiocommunication) Regulations (Rg 5) is deleted and the following regulation substituted therefor:

“Suspension or cancellation of spectrum right, etc.

16.—(1) If the Authority is satisfied that —

(a) a person who is granted a spectrum right is contravening, or has contravened, whether by act or omission —

(i) any of the provisions of the Act or these Regulations; or

(ii) any direction given to the person by the Authority under section 27, 32D or 32F (2) of the Act; or

(b) a grant of the spectrum right was obtained by fraud or misrepresentation,

the Authority may, by notice in writing and without payment of any compensation, suspend or cancel the grant of the spectrum right or part thereof.

(2) If the Authority is satisfied that a person who is granted a spectrum right is contravening, or has contravened, whether by act or omission —

(a) any condition of the grant of the spectrum right; or

(b) any direction given to the person by the Authority under section 5A (8) of the Act,

the Authority may, by notice in writing and without payment of any compensation, do either or both of the following:

(i) suspend or cancel the grant of the spectrum right or part thereof;

(ii) require the payment, within such time as may be specified, of a financial penalty of such amount not exceeding \$1 million as the Authority thinks fit.

(3) The Authority shall, before suspending or cancelling the grant of any spectrum right or part thereof under paragraph (1) or (2) (i) —

(a) give to the person to whom the spectrum right was granted notice in writing of its intention to do so; and

(b) in such notice call upon that person to show cause within such time as may be specified in the notice as to why his spectrum right or part thereof should not be suspended or cancelled.

(4) If the person to whom a notice has been given under paragraph (3) —

(a) fails to show cause within the period of time given to him to do so or such extended period of time as the Authority may allow; or

(b) fails to show sufficient cause,

the Authority shall give notice in writing to that person of the date from which the suspension or cancellation of his spectrum right or part thereof is to take effect.

(5) Any financial penalty payable by any person under paragraph (2) (ii) shall be recoverable by the Authority as a debt due to the Authority from that person and the person's liability to pay shall not be affected by his spectrum right or any part thereof ceasing (for any reason) to be in force.''.

Made this 10th day of November 2005.

LAM CHUAN LEONG
Chairman,
Info-communications Development
Authority of Singapore.