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Notification No. B 50 — The Broadcasting (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 19th day of October 2004.

Broadcasting (Amendment) Bill

Bill No. 50/2004.

Read the first time on 19th October 2004.

A BILL

i n t i t u l e d

An Act to amend 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 Broadcasting (Amendment) Act 2004 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Repeal and re-enactment of section 48 and new section 48A

2. Section 48 of the Broadcasting Act is repealed and the following sections substituted therefor:

“Offences relating to unauthorised decoders and unauthorised reception of encrypted programmes

10 **48.**—(1) No person shall manufacture, assemble, modify, import, export, sell, offer for sale, let for hire or otherwise distribute any decoder which he knows is an unauthorised decoder.

(2) No person shall wilfully receive or rebroadcast any encrypted programme which has been decoded without the authorisation of the lawful provider of a broadcasting service who had broadcast the
15 programme.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding
20 3 years or to both, and any unauthorised decoder shall be forfeited to the Authority.

(4) Where it is proved that a person has manufactured, assembled, modified, imported, exported, sold, offered for sale, let for hire or otherwise distributed any unauthorised decoder, it shall be presumed,
25 unless there is evidence to the contrary, that the person knew that the decoder was an unauthorised decoder.

(5) In this section and section 48A —

“decoder” means any apparatus or device (including a computer program) or any component or part thereof which is designed
30 or adapted to enable (whether on its own or with any other apparatus or device) an encrypted programme to be decoded;

“lawful provider”, in relation to a broadcasting service, means —

(a) a person who holds a broadcasting licence; or

- (b) in the case of a broadcasting service transmitted from a place outside Singapore, the person who is authorised to provide the broadcasting service in accordance with the laws of that place;

5 “unauthorised decoder” means a decoder which is designed or adapted to enable an encrypted programme to be viewed in decoded form without the authorisation of the lawful provider of a broadcasting service who had broadcast the programme.

Civil action in relation to unauthorised decoders and decoded programmes

48A.—(1) Where —

- (a) a person does an act referred to in section 48(1) in relation to an unauthorised decoder;
- (b) the unauthorised decoder is used to decode an encrypted programme; and
- (c) the lawful provider of a broadcasting service who had broadcast the encrypted programme or the owner of the copyright in the programme has thereby suffered any loss or damage,

20 the lawful provider of the broadcasting service or the owner of the copyright in the programme, as the case may be, may bring a civil action against the person referred to in paragraph (a).

(2) Where —

- (a) a person does an act referred to in section 48(2) in relation to an encrypted programme that has been decoded without the authorisation of the lawful provider of a broadcasting service who had broadcast the programme; and
- (b) the lawful provider of the broadcasting service or the owner of the copyright in the programme has thereby suffered any loss or damage,

30 the lawful provider of the broadcasting service or the owner of the copyright in the programme, as the case may be, may bring a civil action against the person referred to in paragraph (a).

(3) An action shall not be brought under subsection (1) or (2) after the expiration of 6 years from the time the relevant act under section 48(1) or (2), as the case may be, took place.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Broadcasting Act (Cap. 28) to give effect to Singapore’s obligations under Article 16.6 of the United States-Singapore Free Trade Agreement (USSFTA) concluded in 2003.

Clause 1 relates to the short title and commencement.

Clause 2 —

- (a) repeals and re-enacts section 48 mainly to make it an offence for a person —
 - (i) to manufacture, assemble, modify, import, export, sell, offer for sale, let for hire or otherwise distribute any decoder which he knows is an unauthorised decoder; or
 - (ii) to wilfully receive or rebroadcast any encrypted programme which has been decoded without the authorisation of the lawful provider of a broadcasting service who had broadcast the programme; and
- (b) inserts a new section 48A to enable —
 - (i) the lawful provider of a broadcasting service who had broadcast any encrypted programme; or
 - (ii) the owner of the copyright in the programme,
 who has suffered any loss or damage as a result of an act referred to in section 48(1) or (2) to bring a civil action against the person who did the act within 6 years from the time the act took place.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
