

[CAP. 323, Rg 6, 2004 Ed.]

**TELECOMMUNICATIONS ACT
(CHAPTER 323, SECTION 74)**

TELECOMMUNICATIONS (DEALERS) REGULATIONS

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[2nd April 2003]

PART I
PRELIMINARY

Citation

1. These Regulations may be cited as the Telecommunications (Dealers) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —
 - "authorised officer" means any person authorised by the Authority to act on its behalf;
 - "dealer" means a person who manufactures, imports for sale, lets for hire, sells, or offers or possesses for sale any equipment which is capable of being used for the purpose of telecommunication, and includes an employee of the dealer;
 - "Dealer's Class Licence" means a licence referred to in regulation 3;
 - "Dealer's Individual Licence" means a licence referred to in regulation 4;
 - "identity card" means an identity card issued under the National Registration Act (Cap. 201);
 - "licence" means a Dealer's Class Licence or a Dealer's Individual Licence;
 - "licensee" means a person to whom a licence is granted, and includes an employee of the licensee;

"registered equipment" means any telecommunication equipment registered for sale under regulation 21 (1);

"sale" includes every transaction of or in the nature of barter or exchange, every transaction of hire or hire-purchase and every transaction by which any goods are pawned or hypothecated or as the result of which the ownership of or an interest in goods is or may be transferred or created;

"telecommunication equipment" means any appliance, apparatus or accessory used or intended to be used for telecommunications;

"type-approved equipment" means any telecommunication equipment approved for sale under regulation 20 (1).

PART II LICENSING OF DEALERS

Dealer's Class Licence

3.—(1) Subject to regulation 7, a dealer who manufactures, imports, lets for hire, sells, or offers or possesses for sale any type-approved equipment, registered equipment or telecommunication equipment set out in the First Schedule shall be deemed to have been granted a Dealer's Class Licence under section 5 of the Act for that purpose.

(2) The holder of a Dealer's Class Licence shall, in addition to any requirement imposed under these Regulations, comply with the conditions of that licence set out in the Second Schedule.

(3) The Authority may impose any condition in addition to those referred to in paragraph (2) and may vary or waive all or any of such conditions.

(4) The holder of a Dealer's Class Licence shall, at his own expense, comply with the varied or additional conditions referred to in paragraph (3).

(5) The holder of a Dealer's Class Licence shall register with the Authority in such form as the Authority may determine each of the premises under his control or occupation where he manufactures, imports, lets for hire, sells, or offers or possesses for sale any type-approved equipment, registered equipment or telecommunication equipment set out in the First Schedule.

(6) The Authority shall acknowledge the registration under paragraph (5) to the licensee and the acknowledgment shall be in such form as the Authority may determine.

(7) For the purposes of paragraph (5), the holder of a Dealer's Class Licence shall submit in writing to the Authority such information as the Authority may require relating to his particulars and the description and scope of his dealings in telecommunication equipment.

(8) The holder of a Dealer's Class Licence shall furnish the Authority with such specifications and information as the Authority may require on the types of telecommunication equipment manufactured, sold or to be manufactured or sold by him.

(9) The holder of a Dealer's Class Licence shall notify the Authority of any change in any particular furnished to the Authority under this regulation within 14 days of such change.

(10) No person shall furnish any false, misleading or inaccurate information to the Authority under this regulation.

(11) Where the holder of a Dealer's Class Licence ceases to manufacture, import, let for hire, sell, or offer or possess for sale any type-approved equipment, registered equipment or telecommunication equipment set out in the First Schedule, the holder shall inform the Authority of such cessation as soon as practicable.

Dealer's Individual Licence

4. —(1) A dealer who wishes to manufacture, import, let for hire, sell, or offer or possess for sale any telecommunication equipment that is not —

(a) type-approved equipment;

(b) registered equipment; or

(c) telecommunication equipment set out in the First Schedule,

shall obtain a Dealer's Individual Licence.

(2) Every application for a Dealer's Individual Licence shall be made in such form and manner as the Authority may, from time to time, determine and shall be supported by such information as the Authority may require.

(3) No person shall furnish any false, misleading or inaccurate information for the purpose of obtaining a Dealer's Individual Licence.

(4) The Authority shall notify the applicant as to whether his application is successful and the notification shall be in such form as the Authority may determine.

(5) Upon notification that his application is successful, the applicant shall pay to the Authority the fee referred to in regulation 10 (1) (a) and the Authority shall, subject to regulation 7, grant a Dealer's Individual Licence under section 5 of the Act to the applicant upon receipt of such payment.

(6) When granting a Dealer's Individual Licence, the Authority shall specify the types of telecommunication equipment which the holder may manufacture, import, let for hire, sell, or offer or possess for sale.

(7) It shall be a condition of a Dealer's Individual Licence that the holder of a Dealer's Individual Licence may only sell telecommunication equipment that is not type-approved equipment, registered equipment or telecommunication equipment set out in the First Schedule —

(a) to another holder of a Dealer's Individual Licence; or

(b) to a person, other than the holder of a Dealer's Class Licence, for re-export and not for use in Singapore.

(8) A dealer shall obtain a Dealer's Individual Licence for each of the premises under his control or occupation where he manufactures, imports, lets for hire, sells, or offers or possesses for sale any telecommunication equipment referred to in paragraph (1).

(9) The holder of a Dealer's Individual Licence shall notify the Authority of any change in his personal particulars specified in that licence within 14 days of such change.

(10) A Dealer's Individual Licence shall be valid for such period as the Authority may determine unless revoked or suspended in accordance with the provisions of the Act and shall be subject to such conditions as the Authority thinks fit.

(11) The Authority may add to, vary or waive all or any of, the conditions referred to in paragraph (10) and the holder of a Dealer's Individual Licence shall, at his own expense, comply with the varied or additional conditions.

When holder of Dealer's Individual Licence is holder of Dealer's Class Licence

5. —(1) The holder of a Dealer's Individual Licence who manufactures, imports, lets for hire, sells, or offers or possesses for sale any type-approved equipment, registered equipment or telecommunication equipment set out in the First Schedule at premises other than those in respect of which he has obtained a Dealer's Individual Licence shall be deemed to have been granted a Dealer's Class Licence in respect of those other premises.

(2) The holder of a Dealer's Individual Licence who manufactures, imports, lets for hire, sells, or offers or possesses for sale any type-approved equipment, registered equipment or telecommunication equipment set out in the First Schedule at the premises in respect of which he has obtained a Dealer's Individual Licence shall not be deemed to be a holder of a Dealer's Class Licence for such purpose in respect of those premises.

Operation for demonstration purpose

6. —(1) No person shall operate any telecommunication equipment for demonstration purposes unless he has obtained the prior approval of the Authority.

(2) It shall be a condition of every licence that a licensee shall not, except with the prior approval of the Authority, operate any telecommunication equipment for demonstration purposes.

Restriction on grant of licence

7. No person shall be granted a Dealer's Individual Licence or be deemed to have been granted a Dealer's Class Licence unless that person is —

- (a) a citizen of Singapore;
- (b) a company incorporated under the Companies Act (Cap. 50);
- (c) a person who carries on a business registered under the Business Registration Act (Cap. 32); or
- (d) such other person as the Authority may, in its discretion, consider appropriate to hold such licence.

Replacement of Dealer's Individual Licence

8. If the Authority is satisfied that any Dealer's Individual Licence issued by it has been lost, destroyed or defaced, the Authority may, upon payment of a fee of \$5 by the person whose Dealer's Individual Licence is lost, destroyed or defaced, issue a replacement licence to such person.

Renewal of Dealer's Individual Licence

9. Every application for the renewal of a Dealer's Individual Licence shall be in such form and manner as the Authority may require and accompanied by a renewal fee of \$250.

Fees

10. —(1) The fee payable for a Dealer's Individual Licence shall be as follows:
- (a) \$250 for the first year of that licence; and
 - (b) \$250 for every subsequent year for the duration of that licence.
- (2) The fee payable for a Dealer's Class Licence held by any person who is carrying on any business or trade as a dealer shall be \$50.
- (3) Payment of fees in respect of a Dealer's Individual Licence shall be made —
- (a) in respect of a fee referred to in paragraph (1) (a), within 90 days of the notification under regulation 4 (4) that the application for a Dealer's Individual Licence is successful; and
 - (b) in respect of a fee referred to in paragraph (1) (b), on or before each anniversary of the date of issue of the Dealer's Individual Licence.
- (4) Payment of fees in respect of a Dealer's Class Licence shall be made within 90 days of the date of the registration under regulation 3 (5).
- (5) If any fee remains unpaid after the date by which such fee should have been paid as referred to in paragraph (3) (b) or (4) (b), the following late payment fee shall be charged:
- (a) where the fee is paid after 7 days but before 15 days following the date by which such fee should have been paid, \$10;
 - (b) where the fee is paid after 14 days but before 31 days following the date by which such fee should have been paid, \$20; and
 - (c) where the fee is paid after 30 days following the date by which such fee should have been paid, \$50.
- (6) It shall be a condition of a licence that the fee referred to in paragraph (1) (b) or (2), as the case may be, shall be paid in accordance with this regulation.

PART III CONDUCT OF DEALERS

Prohibited equipment

11. It shall be a condition of a licence that the licensee shall not manufacture, import, let for hire, sell, or offer or possess for sale any telecommunication equipment set out in the Third Schedule except where approved by the Authority and in accordance with such terms and conditions as the Authority may impose.

Equipment to be used for lawful purpose, safe manner, etc.

12. A licensee shall ensure that any telecommunication equipment in his possession is not used for any unlawful purpose and shall operate it in a manner which is safe and which does not impair or interfere with the efficient and convenient working or maintenance of any other telecommunication system or service authorised by the Authority.

Secrecy

13. —(1) Except as otherwise provided in these Regulations or by the terms and conditions of a licence, every dealer having access to any telecommunication —

(a) shall hold strictly secret all such telecommunication, other than a telecommunication transmitted or sent for general information;

(b) shall not, directly or indirectly, disclose the contents of the telecommunication except —

(i) to a person entitled to become acquainted with the telecommunication;
or

(ii) to an authorised officer,

or except where the disclosure is otherwise authorised or required by law; and

(c) shall not make any use of such telecommunication.

(2) No dealer having access to any telecommunication shall print or publish or cause to be printed or published in any newspaper, pamphlet, book or other document, that telecommunication, whether such telecommunication is for private or general reception.

Restrictions on transmission

14. —(1) No dealer shall transmit or permit the transmission of superfluous signals.

(2) No person shall test any transmission, or allow or conduct any trial or practical transmission, except in such circumstances as to preclude the possibility of interference with any other telecommunication.

(3) No person shall conduct any test transmission other than on dummy load without the prior approval of the Authority.

(4) No dealer shall transmit or permit the transmission of —

(a) any message containing indecent, obscene or offensive language;

(b) any message for an illegal purpose;

(c) any message which interferes with the operation of any type-approved equipment, registered equipment or telecommunication equipment set out in the First Schedule; or

(d) any message which to his knowledge is false or misleading and likely to prejudice the efficiency of any emergency service or endanger the safety of any person, place, premises, vessel, aircraft or vehicle.

PART IV

INSPECTION

Inspection of Dealer's Individual Licence

15. —(1) The holder of a Dealer's Individual Licence shall permit an authorised officer or a police officer not below the rank of sergeant, upon production of proof of identity, to inspect his licence.

(2) Where his licence is not immediately available, the holder of a Dealer's Individual Licence shall produce his licence at the office of the Authority or a police station named by the police officer within a reasonable period.

Inspection of equipment

16. —(1) The Authority may appoint authorised officers as inspection officers for the inspection and examination of any equipment approved under these Regulations, any premises owned or occupied by a dealer where he manufactures, imports, lets for hire, sells, or offers or possesses for sale any telecommunication equipment, and any telecommunication equipment found therein.

(2) For the purpose of ensuring that the Act, these Regulations and any condition of a licence are complied with, an inspection officer shall be entitled, at any time and upon production of proof of identity, to enter any land, building, vessel, aircraft or vehicle where any telecommunication equipment is kept or stored and to inspect, examine or test such equipment.

Duty to give access

17. No person shall —

(a) refuse entry to an authorised officer to any land, building, vessel, aircraft or vehicle to inspect, examine or test any telecommunication equipment contained or stored therein; or

(b) in any way obstruct or hinder an authorised officer in the execution of a duty imposed or power conferred upon that officer by the Act, these Regulations or any other written law.

PART V

IMPORT, MANUFACTURE AND SALE OF TELECOMMUNICATION EQUIPMENT

Restrictions on importation of telecommunication equipment

18. —(1) No person shall import any telecommunication equipment without the prior approval of the Authority.

(2) A person applying for approval under paragraph (1) shall —

(a) furnish such particulars as may be required by the Authority; and

- (b) obtain a permit under the Regulation of Imports and Exports Regulations (Cap. 272A, Rg 1) for the equipment before such equipment is imported.
- (3) No person shall —
 - (a) furnish any false or misleading information to the Authority for the purpose of obtaining the approval of the Authority under paragraph (1); or
 - (b) falsify or fabricate any decision that the Authority may make upon the application for approval under paragraph (1).
- (4) Where any person contravenes paragraph (3), any approval issued to that person under this regulation shall be null and void.

Power of Authority to order production of equipment

19. The Authority may direct a person who imports any telecommunication equipment to produce it for testing or inspection by the Authority and that person shall comply with such direction at his own expense.

Application for type-approval

20. —(1) Subject to paragraph (2) and regulation 4 (7), it shall be a condition of a licence that the licensee shall not sell —

- (a) any type of telecommunication equipment to be used for connection to any telecommunication system or equipment belonging to a telecommunication system licensee; or
 - (b) any type of radio-communication equipment to be used in Singapore,
- unless the type of equipment has been approved by the Authority to be sold.

(2) No approval for sale under paragraph (1) is required in respect of any registered equipment or any telecommunication equipment set out in the First Schedule.

(3) An application for type-approval of any equipment referred to in paragraph (1) shall be made to the Authority in such manner as the Authority may determine.

(4) No dealer shall furnish any false or misleading information to the Authority for the purpose of obtaining any approval under paragraph (1).

(5) Where any dealer contravenes paragraph (4), any approval issued to that dealer under this regulation shall be null and void.

(6) The fee for an application for approval under paragraph (1) is specified in the Fourth Schedule.

Application for registration of equipment

21. —(1) Upon an application in such form as the Authority may determine, the Authority may register for sale any telecommunication equipment which has been certified or tested by such body as the Authority may determine.

(2) The registration under paragraph (1) shall be valid for 5 years and upon an application for renewal in such form as the Authority may determine, may be renewed for periods not exceeding 5 years at a time.

(3) The fee payable for registration shall be \$100 for the first 5 years and \$50 for every renewed period of 5 years or less.

PART VI TESTING

Testing of telecommunication equipment for personal use

22. —(1) The Authority may, at the request of any person intending to use any telecommunication equipment or type of telecommunication equipment for personal purpose, test that equipment to verify that the equipment is designed, constructed, installed, established, maintained or operated in accordance with such technical specifications as the Authority may determine.

(2) The Authority may, in its discretion, impose the fees specified in the Fifth Schedule.

(3) Paragraph (1) shall not apply to any radio-communication equipment that is not type-approved equipment.

PART VII MISCELLANEOUS

Power to order disposal of equipment

23. Where any person —

(a) imports any telecommunication equipment without the approval of the Authority; or

(b) manufactures, lets for hire, sells, or offers or possesses for sale any telecommunication equipment which does not meet the standards or specifications published by the Authority from time to time,

the Authority may direct that person to dispose of the equipment in any manner which the Authority thinks fit and that person shall comply with such direction at his own expense.

Offence

24. Any person who contravenes regulation 3 (5), (7), (8), (9) or (10), 4 (3), (8) or (9), 6 (1), 12, 13, 14, 15, 17, 18 (1), (2) or (3), 19, 20 (4) or 23 shall be guilty of an offence.

Waiver and exemption

25. —(1) The Minister, or the Authority with the approval of the Minister, may —

(a) waive any or all fees payable under these Regulations; or

(b) exempt any person from any or all provisions of these Regulations.

(2) A waiver or an exemption granted under paragraph (1) may be notified in writing to the person concerned, and need not be published in the *Gazette*.

FIRST SCHEDULE

Regulations 3 (1), (5) and (11),
4 (1) and (7), 5, 14 (4) and
20 (2) and paragraphs 1
and 2 of Second Schedule

TELECOMMUNICATION EQUIPMENT NOT REQUIRING APPROVAL

1. Telephone (Standard/Multi-Feature/Image/Data/Switching)
2. Telephone Line Interface
3. Telephone Ancillary
4. Autodialler
5. Auto Answering/Recording Set
6. Caller Identification Equipment
7. Security Alarm System
8. Facsimile Transceiver
9. Voice Band Modem
10. EFTPOS/CCAT
11. Telex Equipment
12. Digital Leased Circuit Equipment
13. Other equipment as determined by the Authority.

SECOND SCHEDULE

Regulation 3 (2)

CONDITIONS OF DEALER'S CLASS LICENCE

1. The holder of a Dealer's Class Licence (referred to in this Schedule as the Class Licensee) shall manufacture, import, let for hire, sell, or offer or possess for sale only —
 - (a) telecommunication equipment approved for sale under regulation 20 (1);
 - (b) telecommunication equipment registered for sale under regulation 21 (1); or
 - (c) telecommunication equipment set out in the First Schedule.
2. A Class Licensee who wishes to sell any registered equipment or telecommunication equipment set out in the First Schedule shall —
 - (a) before selling such telecommunication equipment, ensure that it meets the standards and specifications for the sale of such telecommunication equipment published by the Authority in the manner it thinks fit;
 - (b) ensure that it works correctly with the relevant telecommunication system or equipment of the telecommunication system licensee to which it is connected; and

- (c) cease to sell the telecommunication equipment if so directed by the Authority and dispose of the telecommunication equipment at his own expense in the manner directed by the Authority.
- 3.** A Class Licensee shall, if required by the Authority, produce any telecommunication equipment for testing or inspection by the Authority and all expenses incurred in connection with the testing or inspection shall be borne by the Class Licensee.
- 4.** A Class Licensee shall not have in his possession for sale any device or equipment which is capable of monitoring or intercepting the transmission of a radio-communication network.
- 5.** —(1) A Class Licensee shall not have in his possession for sale, hire or use any device or equipment which can be used —
- (a) to alter, delete or remove any identification code or number of any telecommunication equipment which can be used to obtain any telecommunication services from telecommunication licensees; or
 - (b) to insert or duplicate any identification code or number of such telecommunication equipment in any other telecommunication equipment.
- (2) For the purposes of this paragraph, telecommunication equipment includes subscriber identification module (“SIM”) cards.
- 6.** —(1) A Class Licensee who imports any telecommunication equipment into Singapore for the purpose of re-export —
- (a) shall, unless the Authority otherwise directs, immediately move the telecommunication equipment into a free trade zone under the Free Trade Zones Act (Cap. 114) and keep it there pending re-export;
 - (b) shall not sell it to any person for use in Singapore; and
 - (c) shall re-export the telecommunication equipment and furnish satisfactory evidence of the re-export to the Authority within such time as may be stipulated by the Authority.
- (2) A Class Licensee shall, if required by the Authority, give a written undertaking that the telecommunication equipment declared to be for export purposes will not be sold, or offered or possessed for sale in Singapore.
- 7.** A Class Licensee shall not manufacture, let for hire, sell, or offer or possess for sale any telecommunication equipment set out in the Third Schedule or any telecommunication equipment which does not meet the standards or specifications published by the Authority from time to time.
- 8.** A Class Licensee shall —
- (a) affix or ensure that there is affixed, on all type-approved equipment intended for use in Singapore, labels stating or indicating that the telecommunication equipment is type-approved before such telecommunication equipment is displayed or offered for sale;
 - (b) affix or ensure that there is affixed such other labels as the Authority considers necessary on any telecommunication equipment before such telecommunication equipment is displayed or offered for sale;

- (c) ensure that every advertisement, pamphlet or brochure relating to any telecommunication equipment which he sells or offers for sale contains such information as the Authority may specify;
 - (d) refrain from affixing, on any telecommunication equipment which is not type-approved equipment, any label stating or indicating that the telecommunication equipment is type-approved; and
 - (e) comply with such other labelling requirements as may be published by the Authority.
- 9.** A Class Licensee shall inform every purchaser or hirer to whom he sells or lets for hire any telecommunication equipment of the need to obtain a licence from the Authority under the Act and these Regulations for the possession, operation, installation or use of that telecommunication equipment.
- 10.** Except with the Authority's prior written consent, a Class Licensee shall not assign, transfer, sublet or otherwise dispose of any benefit of his Dealer's Class Licence, or permit any person to participate in any benefit or authority granted by his licence.
- 11.** In addition to the conditions of the Dealer's Class Licence, a Class Licensee shall comply with the provisions of the Act, these Regulations and any code of practice issued under the Act.

THIRD SCHEDULE

Regulation 11 and paragraph 7
of the Second Schedule

PROHIBITED TELECOMMUNICATION EQUIPMENT

- 1.** Scanning Receivers
- 2.** Military Communication Equipment
- 3.** Telephone Voice Changing Equipment
- 4.** Automatic Call Diverters
- 5.** Radio-communication Equipment operating in frequency bands 890-915 MHz and 935-960 MHz except Cellular Mobile Phones or such other equipment approved by the Authority
- 6.** Radio-communication Jamming Devices operating in any frequency band.

FOURTH SCHEDULE

Regulation 20 (6)

FEES FOR APPLICATION BY DEALERS FOR APPROVAL OF
TELECOMMUNICATION EQUIPMENT

<i>First column</i> <i>Type of telecommunication equipment</i>	<i>Second column</i> <i>Application fee</i>	<i>Third column</i> <i>Modification or re-test fee</i>
LINE-BASED EQUIPMENT		
1. Call Switching System/Multiplex System	\$1,200	\$600
(a) ATM UNI Equipment		
(b) PABX		
(c) Key Telephone System		
(d) Multi-Line System		
(e) Voice Messaging System		
(f) ISDN Equipment (Primary Rate)		
(g) ISDN Equipment (Basic Rate with built-in NT-1)		
2. Complex Terminal Equipment	\$900	\$450
(a) ISDN Equipment (Basic Rate)		
(b) ISDN Equipment (Standalone NT-1)		
(c) Coinphone/Payphone		
3. Single Line Terminal Equipment		
(a) Telephone/Telephone Line Interface/ Telephone Ancillary/ Autodialler/Auto Answering Set/Security Alarm System/Modem/EFTPOS/CCAT	\$700	\$350
(b) Caller Identification Device/Fax Transceiver/Fax Modem/Telex Equipment/Digital Leased Circuit Equipment	\$900	\$450
RADIO-COMMUNICATION EQUIPMENT		
1. Analogue Radio-communication Equipment	\$2,000	\$1,000
(a) VHF/UHF Mobile Transceiver		
(b) Trunked Radio Transceiver		
(c) Mobile Data Transceiver		
(d) Cordless Telephone (CT2/CT3)		

2. Analogue Cellular Mobile Phone (AMPS/ETACS)	\$1,500	\$750
3. Radio Pager/Two-way Pager	\$1,300	\$650
4. Amateur Radio Transceiver	\$1,000	\$500
5. Dual-Band Digital Cellular Mobile Phone	\$570	\$285
6. Digital Cellular Mobile Phone (GSM/DCS/CDMA)	\$350	\$175
7. Digital Cordless Telephone (DECT/PHS) (Fixed or Mobile)	\$350	\$ 175
8. Wireless LAN Transceiver	\$350	\$175
9. Low Power Device	\$350	\$175
10. Low Power Device (where testing by the Authority is required)	\$460	\$230.

FIFTH SCHEDULE

Regulation 22 (2)

FEES FOR TESTS DONE ON EQUIPMENT FOR PERSONAL USE

<i>First column</i> <i>Type of telecommunication equipment</i>	<i>Second column</i> <i>Test fee</i>	<i>Third column</i> <i>Re-test fee</i>
LINE-BASED EQUIPMENT		
1. Standard Telephone	\$ 50	\$ 25
2. Modem	\$ 50	\$ 25
3. Call Switching/Multiplex System	\$500	\$250
4. Other Terminal Equipment	\$200	\$100
RADIO-COMMUNICATION EQUIPMENT		
1. Cellular Mobile Phone	\$ 50	\$ 25
2. Cordless Telephone	\$ 50	\$ 25
3. Amateur Radio Transceiver	\$ 50	\$ 25
4. Low Power Device	\$ 55	\$ 28
5. Wireless LAN Transceiver	\$ 55	\$ 28
6. Other Radio-communication Equipment	\$200	\$100.

[G.N. Nos. S 185/2003; S 48/2004; S 593/2004]