

No. S 13

**BROADCASTING ACT
(CHAPTER 180)**

BROADCASTING (CLASS LICENCE) NOTIFICATION, 2001

In exercise of the power conferred by section 12 of the Broadcasting Act, the Minister responsible for broadcasting matters, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Notification —

Citation and commencement.

1. This Notification may be cited as the Broadcasting (Class Licence) Notification, 2001 and shall commence on 12th. February, 2001.

Interpretation.

2. For the purposes of this Notification —

"Internet Content Provider" means —

- (a) any individual in Brunei Darussalam who provides any programme, for business, political or religious purposes, on the World Wide Web through the Internet; or
- (b) any corporation or group of individuals (including any association, business, club, company, society, organisation or partnership, whether registrable or incorporated under the laws of Brunei Darussalam or not) who provides any programme on the World Wide Web through the Internet,

and includes any web publisher and any web server administrator;

"Internet Service Provider" means any of the following persons —

- (a) an Internet Access Service Provider licensed under section 3 of the Telecommunications Act (Chapter 54);
- (b) a Localised Internet Service Reseller; or
- (c) a Non-localised Internet Service Reseller;

"Localised Internet Service Reseller" means a person —

- (a) who obtains Internet access from an Internet Access Service Provider or from a Non-localised Internet Service Reseller; and

- (b) who provides Internet services obtained from the Internet Access Service Provider, or the Non-localised Internet Service Reseller, to all or part of the public; and
- (c) whose Internet services are available for reception only within a single building, dwelling-house, hospital, educational institution, residential, commercial or industrial complex, or any other single temporary or permanent structure,

but does not include a person who provides Internet services to that person's own employees for use solely within that person's firm or corporation;

"Non-localised Internet Service Reseller" means a person who —

- (a) obtains Internet access from an Internet Access Service Provider; and
- (b) provides Internet services obtained from the Internet Access Service Provider to all or part of the public by leased telecommunication lines, integrated services digital networks, modems or by any other wired or wireless means,

but does not include a person who provides Internet services to that person's own employees for use solely within that person's firm or corporation;

"VAN computer on-line service" means a computer on-line service that is licensed as a Value Added Network service under section 3 of the Telecommunications Act (Chapter 54).

Licensable broadcasting services subject to class licence.

3. The provision of the following licensable broadcasting services are subject to a class licence —

- (a) VAN computer on-line services; and
- (b) computer on-line services that are provided by Internet Content Providers and Internet Service Providers.

Conditions of class licence.

4. The conditions of the class licence referred to in paragraph 3 are set out in the Schedule.

Application of conditions.

5. The conditions of the class licence set out in the Schedule apply to the provision of any licensable broadcasting service that is subject to a class licence where the service is available or continues to be provided after 12th. February, 2001 notwithstanding that the service was available or first provided before 12th. February, 2001.

SCHEDULE

CONDITIONS OF CLASS LICENCE

1. In this Schedule —

"licensee" means a person who provides a licensable broadcasting service that is subject to a class licence under section 12 of the Act;

"newspaper" means any publication containing news, intelligence, reports of occurrences, or any remarks, observations or comments and published in any form, for sale or free distribution, at regular intervals or otherwise, but does not include any publication published by or for the Government;

"service" means a licensable broadcasting service that is subject to a class licence under section 12 of the Act.

2. (1) An Internet Service Provider shall —

(a) register with the Minister within 14 days of 12th. February, 2001, or in the case of an Internet Service Provider who provides the service after 12th. February, 2001, within 14 days of providing the service;

(b) faithfully and truthfully furnish such information, and furnish such undertakings, as the Minister may require in connection with the provision of the Internet Service Provider's service; and

(c) pay the following licence fees —

(i) for the provision of a computer on-line service by an Internet Access Service Provider, \$1,000 per annum;

(ii) for the provision of a computer on-line service by a Non-localised Internet Service Reseller, \$250 per annum; and

(iii) for the provision of a computer on-line service by a Localised Internet Service Reseller, \$250 per annum for each premises at which the computer on-line services are provided.

(2) Sub-paragraph (1) does not apply to a Localised Internet Service Reseller who, in the opinion of the Minister, provides Internet services —

(a) (a) for purposes only incidental to its primary business; or

(b) for purposes of demonstration only on an occasional basis.

3. An Internet Content Provider who is or is determined by the Minister to be —

(a) a political party registered in Brunei Darussalam providing any programme on the World Wide Web through the Internet; or

(b) a body of persons engaged in the propagation, promotion or discussion of political or religious issues relating to Brunei Darussalam on the World Wide Web through the Internet,

shall register with the Minister within 14 days of 12th. February, 2001 or, in the case of an Internet Content Provider who provides the service after 12th. February, 2001, within 14 days after the commencement of its service, or within such longer time as the Minister may permit.

4. If required by the Minister to do so by notice in writing —

(a) an Internet Content Provider who is, or is determined by the Minister to be, in the business of providing through the Internet an on-line newspaper; and

(b) an Internet Content Provider who is, or is determined by the Minister to be, an individual providing any programme, for the propagation, promotion or discussion of political or religious issues relating to Brunei Darussalam, on the World Wide Web through the internet,

shall register with the Minister within the time stipulated by the Minister in the notice.

5. An Internet Content Provider who is required to register under paragraph 3 or 4 shall faithfully and truthfully furnish such information, and furnish such undertakings, as the Minister may require in connection with the provision of the Internet Content Provider's service.

6. A licensee who is required to register with the Minister under paragraph 2, 3 or 4 shall give the Minister 14 days written notice of its intention to terminate the provision of its service,

7. A licensee shall at all times comply with the laws of Brunei Darussalam.

8. A licensee shall —

(a) assist the Minister in the investigation into —

(i) any breach of its licence; or

(ii) any alleged violation of any law committed by the licensee or any other person; and

(b) produce such information, records, documents, data or other materials as may be required by the Minister for the purpose of the investigation.

9. A licensee who intends to broadcast its service on —

(a) a radio frequency;

(b) any spare capacity or sub-carrier on a television or radio channel; or

(c) television lines in the Vertical Blanking Interval,

shall, before the commencement of the broadcast of its service, inform the Minister of its intention to broadcast its service by such means and obtain such approvals as the Minister may direct for the broadcast of its service by such means.

10. The licensee shall keep and furnish to the Minister all information, records, documents, data or other materials concerning or relating to the provision of its service as the Minister may, from time to time, require.

11. A licensee shall use its best efforts to ensure that its service —

(a) complies with such Codes of Practice as the Minister may issue from time to time; and

(b) is not used for any purpose, and does not contain any programme, that —

(i) is against the public interest, public order or national harmony; or

(ii) offends against good taste or decency.

12. An Internet Content Provider who provides a webpage on the World Wide Web through the Internet to which other persons are invited to contribute or post programmes shall use its best efforts to ensure that such programmes conform with such applicable Codes of Practice as the Minister may issue from time to time.

13. A licensee who provides any licensable broadcasting service referred to in paragraph 3(a) to (b) of this Notification, shall —

- (a) ensure that its service is not used for, or in furtherance of, games and lotteries, the conduct of which is an offence under the Common Gaming Houses Act (Chapter 28) unless the licensee is exempted from the provisions of that Act;
- (b) ensure that its service is not used to advertise, provide or otherwise promote —
 - (i) any religion other than Islam;
 - (ii) any practice proscribed by the teachings of Islam;
- (c) ensure that its service is not used for the solicitation of prostitution or for any other immoral activity;
- (d) ensure that any professional advice, or any specialist consultancy service, offered on its service is offered by persons with qualifications recognised by the relevant professional bodies in Brunei Darussalam;
- (e) in the case of the broadcast of sound recordings, ensure that only sound recordings that are acceptable to the Minister are broadcast; and
- (f) in the case of the broadcast of films or video recordings, ensure that only films and video recordings that are approved by the Panel of Censors are broadcast, unless the film or video recording is one to which the Censorship of Films and Public Entertainments Act (Chapter 69) does not apply or is one which is exempted from the provisions of that Act.

14. A licensee shall remove, or prohibit the broadcast of, the whole or any part of a programme included in its service if the Minister informs the licensee that the broadcast of —

- (a) the whole or part of the programme is contrary to a Code of Practice applicable to the licensee; or
- (b) the programme —
 - (i) is against the public interest, public order or national harmony; or
 - (ii) offends against good taste or decency.

15. If any doubt arises as to whether a licensee has used its best efforts in compliance with the conditions of its licence, the licensee shall be treated as having used its best efforts if it satisfied the Minister that it took all reasonable steps in the circumstances.

12th. FEBRUARY, 2001

16. Nothing in this Schedule shall exempt the licensee from complying with the requirements of any other written law relating to the provision of the licensee's service.

Made this 9th. day of Zulkaedah, 1421 Hijriah corresponding to the 3rd. day of February, 2001.

PEHIN ORANG KAYA LAILA SETIA BAKTI DIRAJA DATO LAILA UTAMA
HAJI AWANG ISA BIN PEHIN DATU PERDANA MANTERI
DATO LAILA UTAMA HAJI IBRAHIM
Minister responsible for broadcasting matters,
Prime Minister's Office,
Brunei Darussalam.