

P.U. (A) 79.

COMMUNICATIONS AND MULTIMEDIA ACT 1998

COMMUNICATIONS AND MULTIMEDIA (RATES) RULES 2002

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COMMUNICATIONS AND MULTIMEDIA ACT 1998

COMMUNICATIONS AND MULTIMEDIA (RATES) RULES 2002

IN exercise of the powers conferred by subsection 201(1) of the Communications and Multimedia Act 1998 [Act 588], the Minister makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the **Communications and Multimedia (Rates) Rules 2002**.

(2) These Rules come into operation on 1 March 2002.

Interpretation

2. In these Rules, unless the context otherwise requires—

“operator assistance” means assistance in making a call whether through an applications service provider’s operator or through automated means;

“reduced rate” means the charges for calls made from 7.00 p.m. until 6:59:59 a.m. Malaysian standard time;

“residential rate” means the rate applicable for the rental of an exchange line provided for social, private and non-business purposes situated at the private residence of a subscriber;

“full rate” means the charges for calls made from 7.00 a.m. until 6:59:59 p.m. Malaysian standard time;

“business rate” means the rate applicable for the rental of an exchange line provided for business purposes;

“public payphone facility” means a network facility where payphone facilities are provided in place where the general public has access and is designed to interwork with PSTN;

“national direct dialling capability” means the capability for subscribers to make national calls by direct dialled communication through a fixed access device;

“direct dialled communication” means a communication established by a dial-up connection to the PSTN without operator assistance;

“effective international call” means an effective call made between two exchange lines connected through switching centres in Malaysia with any switching centre outside Malaysia;

“effective call” means a call in which the calling exchange line is in connection with the called exchange line and communication may proceed;

“effective national call” means an effective call between two exchange lines connected through switching centres which are not within the same charge district and not in the charge districts which are adjacent to each other;

“effective local call” means an effective call between two exchange lines which are—

- (a) connected to the same switching centre;
- (b) connected to switching centres within the same charge area; or
- (c) connected to switching centres which are in an adjacent charge area;

“subscriber” means a person who has entered into an agreement for the provision of PSTN with any applications service provider;

“fixed access device” means a device directly connected to the PSTN through an exchange line to access applications services;

“public cellular services” means an applications service involving a network of base stations or cells for the delivery of voice and data communication;

“Internet access service” means an applications service whereby a person is able to access Internet services and applications in conjunction with either a dial-up connection or a direct connection;

“emergency services” means a service which enables a caller to dial a short code whereby the calls to such service is either received by an operator who will connect the caller to the police, ambulance or fire brigade, or the call is terminated directly at a particular emergency service;

“audiotext hosting service” means an applications service which enables a caller, by dialling a ‘600’ short code or such other codes or numbers as may be decided by the Commission from time to time, to receive a recorded message or interact with a programme for the purposes of receiving information;

“switching centre” means a network facility that terminates many circuits and which can interconnect or route traffic between and among circuits;

“premises” includes any house, shop, cubicle, set, conveyance or any place whether with or without enclosure;

“PSTN” means Public Switched Telephone Network which is an applications service involving a public circuit switched voice grade interface for the delivery of voice and data communications;

“exchange line” means that part of a network facility between any premises which is connected either temporarily or permanently to a switching centre for the purpose of establishing communication;

“Malaysian standard time” means the Malaysian standard time as prescribed in subsection 2(1) of the Malaysian Standard Time Act 1981 [Act 261].

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Notification of charge area and charge district

3. (1) For the purposes of these Rules, an applications service provider providing PSTN shall classify switching centres into—

- (a) charge districts;
- (b) charge areas;
- (c) in relation to paragraphs (a) and (b), charge areas or charge districts which are adjacent to that charge area or charge district; and
- (d) district charge points and area charge points which are to be used for measuring distances for the purposes of the First Schedule.

(2) The classification of switching centres under subrule (1) or any modifications to such classification shall be subject to the approval of the Commission.

(3) The classification or modification of switching centres approved by the Commission shall be published by an applications service provider providing PSTN in such manner as is specified by the Commission.

Charge for effective call

4. (1) An applications service provider providing PSTN shall only charge a subscriber for an effective call.

(2) An applications service provider providing PSTN or public cellular services shall provide access to emergency services at no charge to a subscriber.

Charge for effective local call

5. The rate for an effective local call shall not exceed the rates as prescribed in subparagraph 1(a) of the First Schedule.

Charge for effective national call

6. (1) The rate for an effective national call shall not exceed the rates as prescribed in subparagraph 1(b) of the First Schedule.

(2) Notwithstanding anything contained in subparagraph 1(b) of the First Schedule, an applications service provider providing PSTN may use such different time for each unit of basic charge, provided that the maximum amount charged to a subscriber shall not exceed the amount to be charged if the same time for each unit of basic charge as that stated in the First Schedule is being used to calculate the equivalent rate.

Charge for calls using public payphone facility

7. (1) The rate for an effective call through the use of a public payphone facility shall be as follows:

- (a) in respect of a local call made to a fixed access device, shall not exceed the rates as prescribed in subparagraph 2(a) of the First Schedule;

- (b) in respect of a national call made to a fixed access device, shall not exceed the rates as prescribed in subparagraph 2(b) of the First Schedule; and
- (c) in respect of a national call made to a fixed access device through operator assistance, shall not exceed the rates as prescribed in subparagraph 2(c) of the First Schedule.

(2) A public payphone facility, when in normal working order, can be used to make a call if the caller, immediately prior to making a call, makes a payment or arranges to make a payment for that call through the use of—

- (a) money or a card that has been put into a device that forms part of, is attached to or is located near such facility; or
- (b) an identification number or a code or other information (in numerical or any other form) that has been put into a device that forms part of, is attached to or is located near such facility.

(3) If a caller uses money to make a call, he shall deposit in advance a sum to cover the charge that is likely to be incurred and the whole of the sum deposited by the caller shall be refunded if an effective call is not made.

Service charge for operator assistance

8. (1) The rate for an effective national call from fixed access device through operator assistance shall not exceed the rates as prescribed in subparagraph 1(c) of the First Schedule.

(2) Where an effective national call or effective international call is made using operator assistance or where directory assistance service is used, the rate for the related service charge shall not exceed the rate as prescribed in paragraph 3 of the First Schedule in addition to the charge for any call made.

Charge for Internet access service

9. (1) The rate for Internet access service through PSTN dial-up using short code 1511, 1512, 1515, 1516, 1517 and 1519 shall not exceed the rate as prescribed in the Table in the Second Schedule.

(2) For the purpose of subrule (1) the rate for Internet access service shall not include the registration fee and annual fee.

Charge for audiotext hosting service

10. The rate for audiotext hosting service at specific bands approved by the Commission shall not exceed the rate as specified in the Table in the Third Schedule.

Rental

11. (1) The business rental rate for the use of an exchange line shall not exceed the rate as prescribed in paragraph 1 of the Fourth Schedule.

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(2) The residential rental rate for the use of an exchange line from 1 March 2002 to 28 February 2003 shall not exceed the rate as prescribed in subparagraph 2(a) of the Fourth Schedule.

(3) The residential rental rate for the use of an exchange line from 1 March 2003 shall not exceed the rate as prescribed in subparagraph 2(b) of the Fourth Schedule.

Connection fee

12. The subscriber shall pay a connection fee in respect of connecting an exchange line to a fixed access device which shall not exceed the rate as prescribed in paragraph 4 of the First Schedule.

Reconnection fee

13. (1) An applications service provider providing PSTN may terminate or suspend, either wholly or partially, any service rendered to the subscriber upon the default of payment of due charges to the applications service provider, by giving at least seven working days written notice to the subscriber.

(2) The termination or suspension of the service in subrule (1) shall not be carried out during the eve of a weekend and public holidays.

(3) Where any service has been terminated or suspended under subrule (1), the applications service provider providing PSTN shall reconnect the service before the end of two working days—

(a) after payment of due charges has been made; and

(b) after payment of a reconnection fee as prescribed in paragraph 5 of the First Schedule has been made.

(4) In the event that service to a subscriber has been disconnected temporarily at the request of the subscriber, an applications service provider providing PSTN may charge the subscriber a reconnection fee as prescribed in paragraph 5 of the First Schedule, upon request for reconnection.

Deposit

14. (1) An applications service provider providing PSTN may require a subscriber to pay a deposit, in any sum and forms as may be specified by such provider, which shall be held to the subscriber's credit and repaid to him not later than three months after termination of the facilities covered by the rental in rule 11, subject to the deduction of any amount then due to the applications service provider providing PSTN by the subscriber.

(2) The applications service provider providing PSTN shall pay a sum equivalent to five percent per annum or such percentage to be decided by the Minister from time to time, as a rebate on the amount of deposit held by the applications service provider other than in the form of bank guarantee, and credit it into the subscriber's fixed access device account at the end of each calendar year or on

a pro-rated basis from the subscription date of the exchange line to the end of that calendar year and at the end of each calendar year thereafter but no subscribers shall be entitled to the said rebate if the said service has been subscribed for a period of less than a year.

Remission of sums due

15. An applications service provider providing PSTN shall refund any sums paid by a subscriber under these Rules by reason of any errors or omission committed by the applications service provider.

Non-liability of Government and Commission

16. The Government and the Commission shall not be liable for any loss or damage sustained by reason of—

- (a) any interruption or failure of communications;
- (b) any failure or error in connection with the taking or giving of messages;
- (c) any omission or insertion of or error in any entry in a directory published by the applications service provider providing PSTN.

Transitional provisions

17. All agreements made and executed between an applications service provider providing PSTN and a subscriber and all actions done or taken under the Telephone Regulations 1996 [*P.U. (A) 256/96*] shall be valid and effective as if issued, done or taken under these Rules, in so far as they are consistent with the Act, and any agreement made pursuant thereto shall be valid until expiry or revocation.

Revocation

18. The Telephone Regulations 1996 [*P.U. (A) 256/96*] are revoked.

FIRST SCHEDULE

(Rules 5, 6, 7, 8, 12 and 13)

CALL CHARGES

1. The charge for a call from a fixed access device to a fixed access device shall be as follows:

- (a) Effective local call

The rate chargeable to a subscriber for an effective local call is 8 sen for the first 2 minutes or part thereof and 4 sen for each additional minute or part thereof thereafter.

The unit of basic charge is 4 sen.

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(b) Effective national call

Where a call is made by means of the national direct dialling capability, the rate chargeable to a subscriber shall be as prescribed in Table 1.

The rate specified in Table 1 shall be applied as follows:

The charge for a call shall be the sum of the number of units of basic charge of the value specified at the head of Table 1, having regard to the duration of the call. One unit of basic charge shall be charged for each period of time specified in the appropriate column of the Table corresponding to the appropriate category of call and any odd fraction of such period shall be treated as one such period.

TABLE 1

Unit of basic charge: 10 sen

Radial distance between:

- (i) area charge points and district charge points in Malaysia;
- (ii) area charge points or district charge points and individual switching centres in Malaysia which are not included in the area or district;
- (iii) individual switching centres in Malaysia which are not included in an area or district.

	<i>Time for each unit of basic charge</i>	
	<i>Full Rate</i>	<i>Reduced Rate</i>
Not exceeding 50 kilometres	50 seconds	60 seconds
Exceeds 50 kilometres but does not exceed 150 kilometres	20 seconds	40 seconds
Exceeds 150 kilometres	7 seconds	14 seconds

(c) Effective national call through operator assistance

The rate chargeable to a subscriber for an effective national call made through operator assistance, whether or not the national direct dialling capability is available on the fixed access device from which the call is made shall be as prescribed in Table 2 and any odd fraction of such period shall be treated as one such period.

TABLE 2

Radial distance between:

- (i) area charge points and district charge points in Malaysia;
- (ii) area charge points or district charge points and individual switching centres in Malaysia not included in the area or district;
- (iii) individual switching centres in Malaysia not included in an area or district.

	<i>For each 3 minutes or part thereof</i>
Not exceeding 50 kilometres	RM0.35
Exceeds 50 kilometres but does not exceed 150 kilometres	RM0.90
Exceeds 150 kilometres	RM2.70

2. The charges for calls from a public payphone facility to a fixed access device shall be as follows:

(a) Effective local call

The rate chargeable to a caller for an effective local call is 10 sen for every 2 minutes or part thereof.

(b) Effective national call

Where the call is obtained by means of the national direct dialling capability, the charge to a caller shall be as prescribed in Table 3.

The rate specified in Table 3 shall be applied as follows:

The charge for a call shall be the sum of the number of units of basic charge of the value as specified in Table 3, having regard to the duration of the call. One unit of basic charge shall be charged for each period of time specified in the appropriate column of the Table corresponding to the appropriate category of call and any odd fraction of such period shall be treated as one such period.

TABLE 3

Unit of basic charge: 10 sen

Radial distance between:

- (i) area charge points and district charge points in Malaysia;
- (ii) area charge points or district charge points and individual switching centres in Malaysia not included in the area or district;

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(iii) individual switching centres in Malaysia not included in an area or district.

	<i>Time for each unit of basic charge</i>	
	<i>Full Rate</i>	<i>Reduced Rate</i>
Not exceeding 50 kilometres	50 seconds	60 seconds
Exceeds 50 kilometres but does not exceed 150 kilometres	20 seconds	40 seconds
Exceeds 150 kilometres	7 seconds	14 seconds

(c) Effective national call through operator assistance

The charge for effective national call through operator assistance, whether or not the national direct dialling capability is available on the public payphone facility from which the call is made, shall be as prescribed in Table 4 and any odd fraction of such period shall be treated as one such period.

TABLE 4

Radial distance between:

- (i) area charge points and district charge points in Malaysia;
- (ii) area charge points or district charge points and individual switching centres in Malaysia not included in the area or district;
- (iii) individual switching centres in Malaysia not included in an area or district.

	<i>For each 3 minutes or part thereof</i>
Not exceeding 50 kilometres	RM0.40
Exceeds 50 kilometres but does not exceed 150 kilometres	RM0.90
Exceeds 150 kilometres	RM2.70

3. Service charge for operator assistance from a fixed access device or a public payphone facility

Operator assistance service charges are as follows:

- (a) Each effective national call RM1.50
- (b) Each effective international call RM5.00
- (c) Directory assistance service RM0.30 sen for each enquiry

4. Connection

Connection fee RM75.00

5. Reconnection

Reconnection fee RM10.00

SECOND SCHEDULE

(Rule 9)

INTERNET ACCESS SERVICE CHARGE

TABLE

The rate of charge for Internet access services shall be as follows:

	<i>Communication charge</i>	<i>Access charge</i>	<i>Total charge</i>
Residential (including school/institution of higher learning)	1.5 sen per minute	1.0 sen per minute	2.5 sen per minute
Business	1.5 sen per minute	2.5 sen per minute	4.0 sen per minute

THIRD SCHEDULE

(Rule 10)

AUDIOTEXT HOSTING SERVICE CHARGE

TABLE

The rate of charge for audiotext hosting services shall be as follows:

Unit of basic charge: 13 sen

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<i>Band</i>	<i>Rate of each one minute or part thereof</i>	<i>Full Rate</i>	<i>Reduced Rate</i>
1	RM0.13	60 seconds per unit	90 seconds per unit
2	RM0.39	20 seconds per unit	40 seconds per unit
3	RM0.78	10 seconds per unit	20 seconds per unit
4	RM1.30	6 seconds per unit	12 seconds per unit
5	RM1.95	4 seconds per unit	8 seconds per unit
6	RM3.90	2 seconds per unit	4 seconds per unit

FOURTH SCHEDULE

(Rule 11)

RENTAL CHARGE

1. Rental on exchange line for business shall be as follows:

TABLE 1

<i>Exchange line capacity</i>	<i>Business rate per month for Peninsular Malaysia</i>	<i>Business rate per month for Sabah and Sarawak</i>
Exceeds 500	RM45.00	RM40.00
500 and below	RM20.00	RM20.00

2. Rental on exchange line for residential shall be as follows:

(a) Rental on exchange line from 1 March 2002 to 28 February 2003

TABLE 2

<i>Exchange line capacity</i>	<i>Residential rate per month for the whole of Malaysia</i>
Exceeds 500	RM22.00
500 and below	RM13.00

(b) Rental on exchange line from 1 March 2003

TABLE 3

<i>Exchange line capacity</i>	<i>Residential rate per month for the whole of Malaysia</i>
Exceeds 500	RM25.00
500 and below	RM13.00

Made 27 February 2002.

[KTKM(S)353/28/8 Klt. 2; PN(PU²)601/IV]

DATUK AMAR LEO MOGGIE

Minister of Energy, Communications and Multimedia

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AKTA KASTAM 1967

PERINTAH KASTAM (NILAI-NILAI) (ISIRONG KELAPA SAWIT)
(No. 2) 2002

PADA menjalankan kuasa yang diberikan oleh seksyen 12 Akta Kastam 1967 [Akta 235], Menteri membuat perintah yang berikut:

Nama dan permulaan kuat kuasa

1. Perintah ini bolehlah dinamakan **Perintah Kastam (Nilai-Nilai) (Isirong Kelapa Sawit) (No. 2) 2002** dan hendaklah berkuat kuasa bagi tempoh 1 Mac 2002 hingga 31 Mac 2002.

Pemungutan dan pembayaran duti kastam

2. Bagi maksud pemungutan dan pembayaran duti-duti kastam, menurut peruntukan-peruntukan Perintah Duti Kastam 1996 [*P.U. (A) 15/96*], nilai bagi Isi Kelapa Sawit yang jatuh di bawah nombor subkepala 1207.10 100 adalah RM742.29 setan.

CUSTOMS ACT 1967

CUSTOMS (VALUES) (PALM KERNEL) (No. 2) ORDER 2002

IN exercise of the powers conferred by section 12 of the Customs Act 1967 [Act 235], the Minister makes the following order:

Citation and commencement

1. This order may be cited as the **Customs (Values) (Palm Kernel) (No. 2) Order 2002** and shall have effect for the period from 1 March 2002 to 31 March 2002.

Levy and payment of customs duties

2. For the purpose of the levy and payment of customs duties, in accordance with the provision of the Customs Duties Order 1996 [*P.U. (A) 15/96*] the value of Palm Kernel falling under subheading number 1207.10 100 shall be RM742.29 per tonne.

Dibuat 25 Februari 2002.

Made 25 February 2002.

[KE. HE. (34.11) 819/03-6/Klt. 2 (58); Perb. (8.20) 116/1-4;
PN(PU²)338/VIII]

Dengan arahan Menteri Kewangan.
By direction of the Minister of Finance.

Bagi pihak dan atas nama Menteri Kewangan/
On behalf and in the name of the Minister of Finance

KAMARIAH BT HUSSAIN
Setiausaha
Bahagian Analisa Cukai

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).



DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD,
CAWANGAN KUALA LUMPUR
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA