

**P.U. (A) 298.**

COMMUNICATIONS AND MULTIMEDIA ACT 1998

COMMUNICATIONS AND MULTIMEDIA (LICENSING) (AMENDMENT)  
REGULATIONS 2001

IN exercise of the powers conferred by section 16 of the Communications and Multimedia Act 1998 [Act 588], the Minister makes the following regulations:

**Citation and commencement**

1. (1) These regulations may be cited as the **Communications and Multimedia (Licensing) (Amendment) Regulations 2001**.

(2) These Regulations come into operation on 1 October 2001.

**Amendment of regulation 2**

2. The Communications and Multimedia (Licensing) Regulations 2000 [P.U. (A) 129/2000], which in these Regulations are referred to as the “principal Regulations”, are amended in regulation 2—

(a) in the national language text—

(i) in the definition of “pemegang lesen kelas pemberi perkhidmatan rangkaian”—

(A) by deleting the words “menurut Akta dan Peraturan-Peraturan ini” after the word “Suruhanjaya”; and

(B) by inserting after the words “suatu perkhidmatan rangkaian” the words “menurut Akta dan Peraturan-Peraturan ini”;

(ii) in the definition of “perbelanjaan pembangunan industri” in paragraph (a), by substituting for the word “dilakukan” the word “dibelanjakan”;

(iii) in the definition of “perkhidmatan bergerak bersel” in paragraph (a), by deleting the word “dan” after the semi colon;

(iv) in the definition of “perkhidmatan pengagihan penyiaran”, by substituting for paragraph (b) the following paragraph:

“(b) suatu perkhidmatan yang membolehkan rancangan tersedia atas permintaan atas dasar poin ke poin, termasuk perkhidmatan terus dail;” and

- (v) in the definition of “stesen bumi”, by substituting for paragraph (b) the following paragraph:

“(b) dengan satu stesen atau lebih daripada jenis yang sama, melalui satu atau lebih satelit pantulan atau objek lain di angkasa lepas;”;

- (b) in the English language text—

(i) in the definition of “industry development expenditure” in paragraphs (c) and (d), by substituting for the word “SME” the word “SMI”; and

- (ii) by substituting for the definition of “SME” the following definition:

‘ “SMI” means Small and Medium Industry;’;

- (c) by deleting the definition of “amount spent”;

- (d) in the definition of “standard annual licence fee”, by substituting for the words “net turnover” the words “gross turnover”;

- (e) by deleting the definition of “telex facility and service”;

- (f) by deleting the definition of “low impact network facilities”;

- (g) by deleting the definition of “nominated network facility”;

- (h) by substituting for the definition of “public payphone facility” the following definition:

‘ “public payphone facility” means a network facility whereby payphone facilities are provided in places where the general public has access and designed to interwork with public switched telephone facilities;’;

- (i) in the definition of “network facilities provider individual licence”, by substituting for the words “network facilities provider in accordance” the words “person who owns or provides any network facilities in accordance”;

- (j) in the definition of “network facilities provider class licensee”, by substituting for the words “to provide” the words “to own or provide”;

- (k) in the definition of “terrestrial radio broadcasting”, by substituting for the words “that provides radio programmes by means of radio waves” the words “by means of radio waves that provides radio programmes”;

- (l) by inserting after the definition of “SME” the following definition:

‘ “space service” means a radiocommunications service using a space station or any other stations located beyond, or intended to go beyond, or which has been beyond, the major portion of the earth’s atmosphere;

“access applications service” means a network service which enables a customer to access an applications service provided over a network;’;

(m) by inserting after the definition of “PSTN telephony” the following definition:

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

(n) by deleting the definition of “customer access service”;

(o) in the definition of “directory service”, by substituting for the words “directory assistance service, published directory service or online directory service” the words “directory assistance service or published directory service”;

(p) in the definition of “public switched data service”—

(i) by substituting for the words “circuit switching of data” the words “switching of data”; and

(ii) by substituting for the words “including ISDN and ATM” the words “including telegram services, telex, ISDN and ATM”;

(q) by deleting the definition of “mobile satellite service”;

(r) by substituting for the definition of “public payphone service” the following definition:

‘ “public payphone service” means an applications service that is provided in places to which the general public has access that can only be used for communication (other than a free call or a call made with operator assistance) if the user, immediately prior to its use, makes or arranges to make a payment for that particular call but does not include a rented payphone;’;

(s) by deleting the definition of “private payphone service”;

(t) by inserting after the definition of “standard annual licence fee” the following definition:

‘ “submarine cable landing centre” means a network facility where submarine cables are terminated;’;

(u) by deleting the definition of “net turnover”;

(v) by inserting after the definition of “subscription broadcasting” the following definition:

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

(w) by inserting after the definition of “space service” the following definition:

‘ “space station” means a station used or intended for use in the space service;’;

## **P.U. (A) 298.**

---

- (x) by inserting after the definition of “satellite broadcasting” the following definition:

‘ “satellite control station” means an earth station that performs the function of telemetry, telecommand and control of the operation of a space station;’;

- (y) by inserting after the definition of “registration notice” the following definition:

‘ “rented payphone” means a telephone installed on a subscriber’s premises which is rented from an applications service provider or owned by the subscriber for the purpose of transmission and reception of telecommunication messages for which the subscriber requires sums of money to be paid in the coin collecting box provided;’; and

- (z) in the definition of “PSTN telephony”, by substituting for the words “PSTN telephony” the word “PSTN”.

### **Amendment of regulation 6**

3. Paragraph 6(2)(b) of the principal Regulations is amended in the English language text, by substituting for the words “administrative guideline” the word “guidelines”.

### **Amendment of regulation 7**

4. Regulation 7 of the principal Regulations is amended—

- (a) in the national language text—

(i) by renumbering the existing subregulation (1) as regulation 7; and

(ii) in paragraph (e), by substituting for the words “butir-butir terperinci” the words “butir-butir”; and

- (b) in paragraph (e), by substituting for the words “(1)(d)” wherever it appears the word “(d)”.

### **Amendment of regulation 9**

5. Regulation 9 of the principal Regulations is amended in the national language text, by renumbering the existing subregulation (1) as regulation 9.

### **Amendment of regulation 11**

6. Regulation 11 of the principal Regulations is amended by substituting for subregulation (3) the following subregulation:

- “(3) Notwithstanding anything in this regulation—

(a) an individual applications service provider licence shall be valid for a period not exceeding five years from the date of coming into operation of these Regulations; and

- (b) where a licence granted under the repealed Acts for a similar activity or service has a residual licence term exceeding five years from the date of coming into operation of these Regulations, the validity period of that individual applications service provider licence, shall be equivalent to the residual term of the licence granted under the repealed Acts.”.

**Amendment of regulation 12**

7. Subregulation 12(2) is amended in the national language text—
- (a) in paragraph (b) by deleting the word “terperinci” which appears after the word “butir-butir”; and
- (b) in paragraph (d) by deleting the word “terperinci” which appears after the word “butir”.

**Amendment of regulation 16**

8. Subregulation 16(5) of the principal Regulations is amended by inserting after the words “If the Minister” the words “neither approves nor”.

**Amendment of regulation 17**

9. Paragraph 17(a) of the principal Regulations is amended in the national language text, by inserting after the words “Akta Syarikat 1965” the words “[Akta 125]”.

**Amendment of regulation 18**

10. Regulation 18 of the principal Regulations is amended, by substituting for the words “An individual licence shall” the words “An individual licence may”.

**Amendment of regulation 19**

11. Regulation 19 of the principal Regulations is amended—
- (a) in subregulation (1), by substituting for the words “for providing” the words “to own or to provide”;

## **P.U. (A) 298.**

---

(b) by substituting for paragraphs (1)(e) to (g) the following paragraphs:

- “(e) satellite control station;
- (f) satellite hubs;
- (g) space station;
- (h) submarine cable landing centre;
- (i) switching centre;
- (j) towers, poles, ducts and pits used in conjunction with other network facilities; or
- (k) such other network facilities which are not exempt or subject to a class licence and as listed in this subregulation.”; and

(c) in subregulation (2), by substituting for the word “providing” the word “provide”.

### **Amendment of regulation 20**

12. Regulation 20 of the principal Regulations is amended by substituting for paragraphs (d) to (f) the following paragraphs:

- “(d) access applications service;
- (e) space services; or
- (f) such other network services which are not exempted or subject to a class licence and as listed in this regulation.”.

### **Amendment of regulation 21**

13. Regulation 21 of the principal Regulations is amended—

(a) in the national language text in subregulation (2), by deleting the word “khas” after the words “peraturan-peraturan kadar”; and

(b) in subregulation (1)—

(i) by substituting for paragraphs (a) and (b) the following paragraphs:

“(a) PSTN;

(b) public cellular services,”; and

(ii) by substituting for paragraph (1)(f) the following paragraph:

“(f) such other applications services which are not exempt or subject to a class licence and as listed in this subregulation.”.

**Amendment of regulation 22**

14. Regulation 22 of the principal Regulations is amended—

- (a) in the national language text in subregulation (2)—
  - (i) by substituting for the words “syarat khas lesen,” the words “syarat khas”; and
  - (ii) in paragraph (2)(b), by substituting for the words “apa-apa pengumuman” the words “pengumuman awam”; and
- (b) by substituting for paragraph (1)(e) the following paragraph:
  - “(e) such other content applications services which are not exempt or subject to a class licence and as listed in this subregulation.”.

**Amendment of regulation 23**

15. Subregulation 23(2) of the principal Regulations is amended in the national language text, by substituting for the word “suberenggan” the word “subperenggan”.

**Amendment of regulation 28**

16. Regulation 28 of the principal Regulations is amended—

- (a) in subregulation (1), by substituting for the words “who provides” the words “who owns or provides”; and
- (b) in paragraph (1)(a), by inserting after the semicolon the word “or”;
- (c) by deleting paragraph(1)(b);
- (d) by substituting for paragraph(1)(c) the following paragraph:
  - “(b) such other network facilities which are not exempt or subject to an individual licence and as listed in this subregulation.”; and
- (e) by inserting after subregulation (3) the following subregulation:
  - “(4) For the purposes of this regulation, “provide” includes establishing, installing, operating and maintaining.”.

**Amendment of regulation 29**

17. Regulation 29 of the principal Regulations is amended—

- (a) in the national language text in paragraph (1)(b), by substituting for the words “perkhidmatan capaian pelanggan” the words “perkhidmatan sambungan”; and
- (b) in paragraph (1)(c), by inserting after the words “an individual licence” the words “and as listed in this subregulation”.

## **P.U. (A) 298.**

---

### **Amendment of regulation 30**

18. Regulation 30 of the principal Regulations is amended—

(a) in subregulation (1)—

(i) in paragraph (d), by inserting after the semicolon the word “or”;

(ii) by substituting for paragraph (e) the following paragraph:

“ (e) such other applications services which are not exempt or subject to an individual licence and as listed in this subregulation.”; and

(iii) by deleting paragraphs (f) and (g);

(b) in subregulation (2), by inserting after the words “these Regulations” the words “unless the applications service provider has been granted an applications service provider individual licence”; and

(c) by substituting for subregulation (3) the following subregulation:

“(3) For the purpose of paragraph (1)(a), “opt-in-basis” means a customer to an applications service provider shall apply in writing or by such other means that can be validated, for the service to be made available to him.”.

### **Amendment of regulation 31**

19. Regulation 31 of the principal Regulations is amended in the national language text, by substituting for the words “pemberi perkhidmatan aplikasi kelas” the words “pemberi perkhidmatan aplikasi”.

### **Amendment of regulation 33**

20. The principal Regulations is amended by substituting for subregulation 33(3) the following subregulation:

“(3) Each individual licensee shall pay the applicable annual licence fee for each individual licence held as follows:

(a) on the first anniversary of the licence and annually thereafter, a sum of RM50,000.00 as initial payment of the applicable annual licence fee; and

(b) the balance due, if any, within the time period specified in the notice by the Commission.”.

**New regulation 33A**

21. The principal Regulations is amended by inserting after regulation 33 the following regulation:

**“Calculation of the applicable annual licence fee**

33A. For the purposes of calculating the applicable annual licence fee payable under subregulation 33(3), each individual licensee shall submit its audited accounts to the Commission within three months from the end of its financial year.”.

**Amendment of regulation 35**

22. Regulation 35 of the principal Regulations is amended—

- (a) in the national language text, by inserting after the words “suatu tempoh ditentukan” the words “di bawah Peraturan-Peraturan ini”;
- and
- (b) by inserting after the words “under the Regulations” the words “or in any request by the Commission”.

**Amendment of regulation 36**

23. Subregulation 36(2) of the principal Regulations is amended in the national language text, by substituting for the words “di bawah Peraturan-Peraturan tersebut” the words “di bawah Peraturan-Peraturan yang dibatalkan itu”.

**Amendment of regulation 37**

24. Regulation 37 of the principal Regulations is amended by substituting for paragraph (b) the following paragraph:

- “(b) any reference to the Minister, the Ministry of Energy, Communications and Multimedia or the Ministry of Information under any licence granted or issued under the repealed Broadcasting Act 1988 [Act 338] in relation to any fee payable under such licence and any other matter regarding such licence shall be construed as a reference to the Commission.”.

**P.U. (A) 298.**

---

**Amendment of First Schedule**

25. The First Schedule of the principal Regulations is amended—

(a) in Table A, by inserting after the item “Fee for replacement of individual licence” and the words appearing against it the following item:

<i>Types of fees</i>	<i>Fees (RM)</i>
“Fee for making a copy of, or taking extracts from, the register	1.00 per page”;

and

(b) by substituting for Table B the following Table:

“FIRST SCHEDULE

(Paragraph 33(1)(b), subregulation 33(3) and regulation 33A)

**TABLE B**

COMMUNICATIONS AND MULTIMEDIA ACT 1998

COMMUNICATIONS AND MULTIMEDIA (LICENSING) REGULATIONS 2000

CALCULATION OF APPLICABLE ANNUAL LICENCE FEES

1		2		3		4
Standard Annual Licence Fee		Eligible deductions to gross turnover		Rebates on Licence Fee		Applicable Annual Licence Fee (RM)
Item	RM	Item	RM	Item	% rebate	Carried forward
0.5% of gross turnover for individually licensed activity:		Industry development:		Industry development as % of gross turnover (from column 2):		
Calculated either as:		<ul style="list-style-type: none"> <li>Research and Development</li> <li>Skills and training</li> <li>Minority investments in SMIs (x 1.5)</li> </ul>		<ul style="list-style-type: none"> <li>More than 15%</li> <li>6% to 15%</li> </ul>	<ul style="list-style-type: none"> <li>100%</li> <li>66%</li> </ul>	.....
or						
<ul style="list-style-type: none"> <li>aggregate of 0.5% of gross turnover applied to each individual licence, at the option of the licensee.</li> </ul>		<ul style="list-style-type: none"> <li>Malaysian value added procurement from Malaysian SMI (x 0.25)</li> <li>Local content and production</li> </ul>		<ul style="list-style-type: none"> <li>2.5% to less than 6%</li> <li>less than 2.5%</li> </ul>	<ul style="list-style-type: none"> <li>33%</li> <li>0%</li> </ul>	
		Total as % of gross turnover				Minimum licence fee: 0.15% of gross turnover per licence or RM50,000.00 per licence, whichever is the greater

**Amendment of Second Schedule**

26. The principal Regulations is amended by substituting for the Second Schedule the following Schedule:

“SECOND SCHEDULE  
(Subregulations 4(3), 26(1), 32(2) and paragraph 34(1)(b))

COMMUNICATIONS AND MULTIMEDIA ACT 1998

COMMUNICATIONS AND MULTIMEDIA (LICENSING) REGULATIONS 2000

*CLASS LICENCE FEES*

<i>Type of fees</i>	<i>Fees (RM)</i>
Registration and annual registration fees	2,500.00
Application for certified true copy of class licence registration notice	10.00 per page
Application for certified true copy of class licence	10.00 per page
Fee for change of particulars in the registration notice of class licence	50.00
Fee for making a copy of, or taking extracts from, the register	1.00 per page

**Amendment of Third Schedule**

27. The principal Regulations are amended in Form B of the Third Schedule—

- (a) by deleting the words “selama tempoh/*for a period of*” after the words “sehingga/*until*.....”; and
- (b) by inserting before the words “(a) Syarat-syarat standard yang berikut:  
*The following standard licence conditions:*” the heading “Tafsiran/  
*Interpretation*”.

Made 11 September 2001.

[KTKM(S) 353/146/1 Klt. 6; PN(PU<sup>2</sup>)601/III]

DATUK AMAR LEO MOGGIE  
*Minister of Energy, Communications and Multimedia*

**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