

P.U. (A) 144.

COMMUNICATIONS AND MULTIMEDIA ACT 1998

**COMMUNICATIONS AND MULTIMEDIA (LICENSING) (AMENDMENT)
REGULATIONS 2005**

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 2005**.

(2) These Regulations come into operation on 1 April 2005.

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) by deleting the definition of “applications service provider individual licence”;

(b) by inserting after the definition of “directory service” the following definition:

“distance learning purposes” means a purpose performed by an organisation or educational institution duly accredited or recognised under the Education Act 1996 [Act 550], the Universities and University Colleges Act 1971 [Act 30], the Universiti Teknologi Mara Act 1976 [Act 173] or the Private Higher Educational Institutions Act 1996 [Act 555];’;

(c) by inserting after the definition of “fixed link and cable” the following definitions:

“gateway” means a device or programme in a communications network which interfaces that network with an international communications networks;

“gateway services” means a network service which provides interconnection between a domestic gateway and an international gateway;’;

(d) by substituting for the definition of “IP telephony” the following definition:

‘ “IP telephony” means an applications service involving a multi-stage call set-up that involves a circuit switched to a packet switched interface;’;

(e) by substituting for the definition of “messaging service” the following definition:

‘ “messaging service” means an applications service which involves the storage or forwarding of a message in multimedia form whereby the message is first routed through a central management centre before it is forwarded to the addressee;’;

(f) by deleting the definition of “public payphone facility”;

(g) by inserting after the definition of “repealed Acts” the following definitions:

‘ “restricted geographical area” means a precise or specific area including but not limited to—

(a) a housing development as defined in the Housing Development (Control & Licensing) Act 1966 [*Act 118*];

(b) a campus as defined in the Universities and University Colleges Act 1971 or a branch campus as defined in the Private Higher Educational Institutions Act 1996; or

(c) shopping complex;’;

(h) in the national language text, by substituting for the word “RBTA” the word “RTBA”; and

(i) by substituting for the definition of “switching centre” the following definition:

‘ “switching services” means a network services that—

(a) terminate many circuits; or

(b) interconnect or route traffic between and among circuits;

including without limitation through the use of frame relay, router internetworking, multi protocol label switching, internet protocol switching, switching centres, points of presence or nodes;’.

Amendment of regulation 6

3. Subregulation 6(3) of the principal Regulations is amended by substituting for the words “facilities or services” the words “categories of licenses”.

Amendment of regulation 8

4. Regulation 8 of the principal Regulations is amended by inserting after subregulation (1) the following subregulation:

“(1A) If any additional information or document required under subregulation (1) is not provided by the applicant within the time specified in the request or any extension of time granted by the Commission, the application shall be deemed to have been withdrawn and shall not be further proceeded with but it shall not affect the right of the applicant to make a fresh application.”.

Amendment of regulation 11

5. Regulation 11 of the principal Regulations is amended by deleting subregulation (3).

Amendment of regulation 16

6. Regulation 16 of the principal Regulations is amended—

(a) in the shoulder note, by deleting the words “, sub-licence”; and

(b) in subregulation (1) and in paragraph (a), by deleting the words “, sub-license”; “, sub-licensing” and “, sub-licensee”.

Amendment of regulation 19

7. Subregulation 19(1) of the principal Regulations is amended—

(a) by deleting paragraphs (c) and (i); and

(b) by substituting for paragraph (k) the following paragraph:

“(k) such other network facilities which are not exempt under the Act or not subject to a class licence under Part IV of these Regulations or not listed in this subregulation.”.

Amendment of regulation 20

8. Regulation 20 of the principal Regulations is amended—

(a) in paragraph (e), by deleting the word “or”; and

(b) by substituting for paragraph (f) the following paragraphs:

“(f) switching services;

(g) gateway services; or;

(h) such other network services which are not exempt the Act or

not subject to a class licence under Part IV of these Regulations or not listed in this subregulation.”.

Deletion of regulation 21

9. The principal Regulations are amended by deleting regulation 21.

Amendment of regulation 22

10. Subregulation 22(1) of the principal Regulations is amended by substituting for paragraph *(e)* the following paragraph:

“(e) such other content applications services which are not exempt under the Act or not subject to a class licence under Part IV of these Regulations or not listed in this subregulation.”.

Amendment of regulation 28

11. Subregulation 28(1) of the principal Regulations is amended by substituting for paragraph *(b)* the following paragraph:

“(b) such other network facilities which are not exempt under the Act or not subject to an individual licence under Part III of these Regulations or not listed in this subregulation.”.

Amendment of regulation 29

12. Subregulation 29(1) of the principal Regulations is amended by substituting for paragraph *(c)* the following paragraph:

“(c) such other network services which are not exempt under the Act or not subject to an individual licence under Part III of these Regulations or not listed in this subregulation.”.

Substitution of regulation 30

13. The principal Regulations are amended by substituting for regulation 30 the following regulation:

“30. (1) A person who provides any or all of the following applications service may be registered as an applications service provider class licensee:

- (a) PSTN telephony;
- (b) public cellular services;
- (c) IP telephony;

- (d) public payphone services;
- (e) public switched data service;
- (f) audio text hosting services provided on an opt-in basis;
- (g) directory services;
- (h) Internet access services;
- (i) messaging services; or
- (j) such other applications service which are not exempt under the Act or not listed in this subregulation.

(2) For the purpose of paragraph (1)(f), “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.”.

Substitution of regulation 31

14. The principal Regulations are amended by substituting for regulation 31 the following regulation:

“31. (1) A person who provides any or all of the following limited content applications service may be registered as a content applications service provider class licensee:

- (a) a content applications service limited in its availability to—
 - (i) vehicles, vessels, railway or aircraft used for hire or reward or for any other valuable consideration;
 - (ii) a single commercial or residential building; or
 - (iii) a restricted geographical area;
- (b) a content applications service of limited appeal or which is targeted to a special interest group and available through subscription by persons using equipment specifically designed for receiving the said service;
- (c) a content applications service where the content is remotely generated and distributed through a network service and displayed on a screen;
- (d) a content applications service for distance learning purposes; or
- (e) a content applications service linked or associated specifically to a sporting, cultural or other one-off event.”.

Amendment of regulation 33

15. The principal Regulations are amended by substituting for subregulation 33(5) the following subregulation:

“(5) The Minister may by an order published in the *Gazette*—

- (a) exempt any holder of a registered licence under the repealed Acts, who applies for an individual licence under the Act in substitution of his old licence from payment of fees notwithstanding paragraph (1)(a) and subregulation (2); or
- (b) exempt any person from the payment of any or all of the fees under subregulation (1) if the Minister is satisfied that the facility or service is provided on a non-commercial basis and for the benefit of the public or national interest.”.

Amendment of First Schedule

16. The First Schedule of the principal Regulations is amended in Table A by deleting the words “,sub-licensing”.

Amendment of Third Schedule

17. The Third Schedule of the principal Regulations is amended by deleting subitem 1(c).

Made 31 March 2005

[KTKM(S) 353/146/4 Klt. 8(5); PN(PU²)601/VII]

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Minister of Energy, Water and Communications

- (a) by substituting for the words “; or” at the end of subparagraph (c) a full stop; and
- (b) by deleting subparagraph (d).

Amendment of paragraph 5

5. Paragraph 5 of the principal Order is amended by deleting the words “holding an individual licence or”.

Made 31 March 2005

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Minister of Energy, Water and Communications

Hakcipta Pencetak (H)

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