



FREQUENTLY ASKED QUESTIONS (FAQ) ON THE DEEMING PROVISION

1. What is the Deeming Provision about?

The Communications and Multimedia Act 1998 (**CMA 1998**) was amended in 2025 by introducing section 46A (**Deeming Provision**). This Deeming Provision, which came into force on 11 February 2025, enables any person deemed as registered under a class licence through a Ministerial Declaration without the need to submit a formal registration. Once deemed, the service provider is treated in law as a class licensee and is subject to the obligations that apply under the CMA 1998.

2. Why was the Deeming Provision introduced and applied?

Section 46A was introduced as part of the licensing framework to address any regulatory gaps in enforcing Malaysian laws particularly those providing services remotely from outside Malaysia.

This is to enable service providers undertaking activities that fall within the Malaysian regulatory framework to be well governed in accordance with Malaysian laws. This approach creates a balanced market and comprehensive regulatory obligations.

3. How do we know whether any particular activity is subject to the Deeming Provision?

A Ministerial Declaration that is issued will identify all such activities and the same will be published on the official MCMC website.

4. How long does the deemed registration remain valid?

There is no fixed validity period. A deemed registration remains in effect until it is cancelled. Until and unless the deemed registration is cancelled, any party who is deemed under section 46A will be required to comply with the relevant requirements as a class licensee.

5. What obligations apply to the service providers once they are deemed registered and the implications for non-compliance to the obligations?

Once deemed registered, the service providers must comply with:

- the provisions of the CMA 1998 and its subsidiary legislations;
- other regulatory instruments issued pursuant to the CMA 1998;
- the conditions of the respective class licence; and
- all relevant Malaysian laws applicable to the service providers.

Failure to comply with these obligations may result in regulatory and legal actions taken against the service providers, including the imposition of fine and financial penalty.

6. What is required to be done by the service providers, once deemed?

Service providers who are deemed under the current Deeming Provision, among others have to comply with the relevant notice issued by MCMC and provide the following information:

- details of the company;

- the appointed local representative (applicable to foreign service providers only) in accordance with the requirements set out by MCMC; and
- other compliance requirements which are to be detailed out in the said notice.

7. Does the Deeming Provision require the service providers operating from outside Malaysia to establish a local office in Malaysia?

No. Establishing a physical office is not mandatory. However, the service providers must appoint a representative in Malaysia as their local representative who shall be the point of contact and responsible for, among others escalation channels, accepting service of documents and compliance of licensees' duties and obligations.

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