

## SCHEDULE 3

### [Subsection 58(2)]

#### *Specified persons*

1. Any company registered under the Trust Companies Act 1949 whose carrying on of any regulated activity is solely incidental to its carrying on of the business for which it is registered under the Trust Companies Act 1949.
2. Any advocate and solicitor as defined under the Legal Profession Act 1976 [Act 166] in practice whose carrying on of the regulated activity of advising on corporate finance or financial planning is solely incidental to the practice of his profession.
3. Any accountant who is a member of the institute established under the Accountants Act 1967 [Act 94] in practice whose carrying on of the regulated activity of advising on corporate finance or financial planning is solely incidental to the practice of his profession.
4. A valuer as defined under the Valuers, Appraisers and Estate Agents Act 1981 [Act 242] whose valuation in respect of assets for the purposes of advising on corporate finance is solely incidental to his practice as a valuer.
5. Any person who is a proprietor of a newspaper and a holder of a permit issued under the Printing Presses and Publications Act 1984 [Act 301] whose carrying on the regulated activity of investment advice through the newspaper where—
  - (a) insofar as the newspaper is distributed generally to the public, it is distributed only to subscribers for, and purchasers of, the newspaper for value;
  - (b) the advice is given or the analyses or reports are issued or promulgated only through that newspaper;
  - (c) that person receives no commission or other consideration for issuing or promulgating the analyses or reports; and
  - (d) the advice is given and the analyses and reports are issued or promulgated solely as incidental to the conduct of that person's business as a newspaper proprietor.
6. Any person who is carrying on the regulated activity of investment advice through the provision of information service where—
  - (a) insofar as the information service is distributed generally to the public, it is distributed only to subscribers for, and purchasers of, the information service for value;
  - (b) the advice is given or the analyses or reports are issued or promulgated only through that information service;
  - (c) that person receives no commission or other consideration for issuing or promulgating the analyses or reports; and

- (d) the advice is given and the analyses and reports are issued or promulgated solely as incidental to the conduct of that person's business as a information service proprietor.
7. Any corporation whose carrying on of the regulated activity of fund management is solely for the benefit of its related corporation.
  8. Any corporation whose carrying on of the regulated activity of investment advice is solely for the benefit of its related corporation.
  9. Any corporation whose carrying on the regulated activity of advising on corporate finance solely for the benefit of any of its related corporation and where the related corporation is a listed corporation, such advice is not circulated to the shareholders of the related corporation or otherwise made known to the public.
  10. Any person who carries on the regulated activity of dealing in securities for his own account or for his related corporation through a holder of a Capital Markets Services Licence who carries on the business of dealing in securities.
  11. Any person who trades in futures contracts—
    - (a) on the person's own account; or
    - (b) where such person is a non-resident of Malaysia acting as principal or agent through the holder of a Capital Markets Services Licence who carries on the business of trading in futures contracts.
  12. An affiliate who trades in futures contracts or enters into a transaction in relation to a futures contract solely on its own account and who complies with the provisions of the rules of the futures exchange.
  13. A holder of a Capital Markets Services Licence who carries on the business of trading in futures contracts whose dealing in securities—
    - (a) relates to a securities which is also a futures contract;
    - (b) is the direct consequence of trading in a futures contract;
    - (c) is in connection with the delivery of a security, within a class of securities which is the subject of a class of futures contracts, pursuant to—
      - (i) in the case of an eligible exchange-traded option, the exercise of the option; or
      - (ii) in the case of an eligible delivery agreement, the agreement itself; or
    - (d) is in connection with the transfer of securities as collateral or security, or in realisation of any collateral or security, for obligation under a futures contract.
  14. Any public statutory corporation constituted under any written law who carries on the regulated activity of dealing in securities or fund management.

15. Any stock exchange or exchange holding company where its dealing in securities is solely incidental to it operating a stock market of a stock exchange.
16. A futures exchange or exchange holding company where the trading in futures contracts is solely incidental to it operating a futures market of a futures exchange.
17. An approved clearing house or exchange holding company whose dealing in securities or trading in futures contracts, as the case may be, is solely incidental to it providing clearing facilities in respect securities or futures contracts, as the case may be.
18. A licensed offshore bank as defined under the Offshore Banking Act 1990 [Act 443], an offshore company or a foreign offshore company as defined under the Offshore Companies Act 1990 [Act 441], whose carrying on of the regulated activity of investment advice to a person who is a non-resident of Malaysia is solely incidental to their offshore businesses.
19. A receiver, receiver and manager, or liquidator or any other person appointed by a court whose carrying on a regulated activity is solely incidental to his duties as a receiver, receiver and manager, liquidator or any court appointed person, as the case may be.
20. A trustee or other person whose carrying on a regulated activity is solely incidental to its administering a compromise or arrangement between a body corporate and any other person or persons.
21. An insurance company licensed under the Insurance Act 1996 or a takaful operator registered under the Takaful Act 1984 whose carrying on of the regulated activity of fund management is solely incidental to the management and administration of its insurance or takaful business, as the case may be.