

GUIDANCE NOTE 17

Date issued: 15 February 2007

Issued Pursuant to the Guidelines on Unit Trust Funds

- Procedures and format of submissions
- Documents required to be submitted to the SC

Introduction

1. This Guidance Note is published to notify policy amendments in relation to the procedures and format of submissions currently stipulated under Chapter 15 of the Guidelines on Unit Trust Funds (Guidelines) and documents required to be submitted to the SC currently stipulated under Schedule B of the Guidelines.
2. The new provisions under this Guidance Note shall take effect from 1st March 2007.
3. Nothing contained herein should be construed as prejudicing the powers of the Securities Commission under the Guidelines.

Policy Amendments

4. Under this Guidance Note, the entire Chapter 15 and Schedule B of the Guidelines are hereby deleted and substituted with a new Chapter 15 and Schedule B attached herein in this Guidance Note.
5. Guidance Note 13 is hereby revoked. The documents required to be submitted to the SC for the application to appoint a delegate not licensed by the SC under Guidance Note 13 is subsumed under this Guidance Note.

Chapter 15

PROCEDURES AND FORMAT OF SUBMISSIONS

15.01 General

- (1) Pursuant to Chapter 3, submissions for the approval of or registration with the SC, registration/lodgement of documents with the SC or delivery of documents to the SC must be made in accordance with the requirements of this chapter, unless otherwise specified.
- (2) Submissions may be submitted by the following parties:
 - (a) The management company;
 - (b) The trustee of the fund (where the application relates to registration and renewal of registration of the trustee and appointment of a company to act as a trustee);
 - (c) Advisers, or
 - (d) Any other party approved by the SC.
- (3) The submitting party has a duty to ensure that all the submission requirements of the SC are complied with and is responsible for dealing with the SC on all matters in connection with the application.
- (4) Submissions that do not fully comply with the requirements of the SC or which are unsatisfactory shall be returned.
- (5) The applicant (including directors and/or promoters), advisers, experts and any other persons accepting responsibility for all or part of the information and documents that are submitted to the SC should exercise due diligence in relation to all or any part of the information submitted relating to or in connection with the proposal or application.

- (6) Where any statement or information is submitted to the SC in relation to or in connection with any proposal or application submitted to the SC pursuant to these guidelines, the applicant, its advisers or any other persons accepting responsibility for all or any part of the statement or information submitted shall not submit or cause to be submitted any statement or information that is false or misleading, or from which there is a material omission.

15.02 Submission of Applications

- (1) Applicants undertaking proposals requiring the approval of or registration with the SC must submit applications to the SC in accordance with the submission requirements stated in this clause or any other requirements that the SC may specify from time to time.
- (2) An application must comprise, at least, the following:
 - (a) Covering letter, specifying -
 - (i) the approval / registration sought, including particulars of the proposal(s); and
 - (ii) other approvals or clearance obtained / pending (if applicable);
 - (b) Declaration

A declaration letter, which declares that the proposal is in full compliance with the Guidelines on Unit Trust Funds and the Securities Commission Act, in the form provided in Appendix I of Schedule B of these guidelines;

Note

For submissions that involve multiple applications, a declaration must be submitted by the relevant applicant responsible for all or any part of the information submitted in respect of the application to which it is seeking an approval.

A declaration is not required for an application to register a trustee or Syariah committee/adviser.

; and

- (c) Supporting documents
The supporting documents required for each type of application are specified in Schedule B of these guidelines.
- (3) The information provided in the submission must be correct as *at the latest practicable date*.
 - (4) The SC reserves the right to request for additional information and any other form of undertaking, as the case may be, from the relevant party to support the submission, where deemed necessary.
 - (5) The SC should be immediately informed of-
 - (a) any material change in circumstances that would affect the consideration of the proposal by the SC; and
 - (b) any material change/development in circumstances relating to the proposal, occurring subsequent to the SC giving its approval.
 - (6) In the event certain circumstances are made known to the SC after the proposal has been considered, where such circumstances would have affected the decision made had the SC known of such circumstances prior to the decision, the SC may review the said decision. For this purpose, an application with full justification and effect should be submitted by the applicant, or its adviser, to the SC for review.

Application for the Establishment of a Unit Trust Fund

- (7) The SC shall take 21 days (excluding public holidays) to process the application for the establishment of a new unit trust fund.
- (8) The SC reserves the right to extend the processing time up to 30 days (in addition to the original 21 days) if the proposed fund-
 - (i) does not fall into the categories/types stipulated under these guidelines;

- (ii) has special/unique features that could have a material impact on investors; or
 - (iii) comes together with proposed exemptions/variations from these guidelines which do not have any precedent case.
- (9) Notwithstanding clause 15.02(8) above, applicants are advised to consult with the SC before submitting any proposed fund which may fall into the categories set out above.
- (10) The submission to the SC for the establishment of a new unit trust fund shall be accompanied with applications to register the fund's deed and prospectus.

Application for an Increase in the Size of a Fund

- (11) For any increase in the size of a fund, it shall be "deemed approved" by the SC subject to the following criteria being met:-
- (i) At the point of submission, the fund's units in circulation has exceeded 50% of the approved fund size; and
 - (ii) The increase shall not be more than 50% of the current approved fund size (in units).
- (12) The increase in the size of the fund shall be effective upon notification to the SC of the new fund size. The notification shall be accompanied with a declaration of compliance by the management company and trustee with the criteria stipulated under clause 15.02(11)(i) and (ii).

Application for the Appointment of the Syariah Committee Member/ Syariah Adviser of the Fund

- (13) The appointment of a Syariah committee member/ Syariah adviser shall be "deemed approved" by the SC, subject to compliance with sub-clauses 6.04(2)(b) and (c).

- (14) The management company shall notify the SC of the appointment of the Syariah committee member/Syariah adviser within two (2) weeks of the appointment, accompanied with a declaration that the appointees comply with sub-clauses 6.04(2)(b) and (c) of these Guidelines.

Application for an Extension of Time

- (15) Any application for an extension of time for compliance with the Guidelines or SC's conditions of approval must be submitted to the SC at least one (1) month before the expiry date stipulated (where applicable).
- (16) In the event a submission is made less than one (1) month before the expiry date, the SC will not be responsible for any delay in considering the application.

15.03 Submission for Lodgement and Delivery of Documents

- (1) Unless otherwise specified, documents required to be lodged with the SC or delivered to the SC must be submitted in accordance with the submission requirements stated in this clause or any other requirements that the SC may specify from time to time.
- (2) The documents to be lodged or delivered to the SC shall be accompanied with the following -
- (a) Covering letter specifying the documents to be lodged / delivered ; and
 - (b) Documents to be lodged / delivered (number of copies)-
 - (i) Annual report of the fund (3 copies);
 - (ii) Interim report of the fund (3 copies);
 - (iii) Annual report of the management company (3 copies); or
 - (iv) Statistical and compliance returns (1 copy).

15.04 Fees and Charges

- (1) The details of fees payable to the SC for the various types of proposals as well as registration, lodgement and delivery of documents are set out in the *Securities Commission (Fees) (Amendment) Regulations 2004* or any other Fees Regulations gazetted from time to time.

- (2) Payment must be made in the form of a cross cheque/draft order made in favour of "Suruhanjaya Sekuriti" or "Securities Commission" in accordance with the amount stipulated in the *Securities Commission (Fees) (Amendment) Regulations 2004* or any other Fees Regulations gazetted from time to time.

SCHEDULE B

DOCUMENTS REQUIRED TO BE SUBMITTED TO THE SC

1.0 General

- (1) Pursuant to sub-clause 15.02(2) of the guidelines, applications requiring the approval of the SC or registration shall be accompanied with documents as specified in this schedule. The documents required for the respective applications are set out in the relevant sub-paragraphs in this schedule.
- (2) The application forms referred to herein are available in the SC website at www.sc.com.my.

2.0 Documents Required by the SC

(1) Application for the Establishment of a Unit Trust Fund

- (a) For the establishment of a unit trust fund, the application must be accompanied with the following document:

	Document
(i)	Form <i>SC/UTF-NEW</i> : Application for the establishment of a unit trust fund.

(2) Application to Act as Management Company of a Unit Trust Fund

- (a) For an application to act as a management company to a unit trust fund, the application must be accompanied with the following documents:

Documents	
(i)	Form <i>SC/UTMC</i> : Application for the appointment of a company to act as a management company to a unit trust fund.
(ii)	Statutory declaration from the applicant stating that it is independent of the trustee. Note The declaration is not required if the management company is related to the trustee.

(3) Application to Act as Trustee to a Unit Trust Fund

- (a) Pursuant to sub-clause 5.02(1)(b) of the guidelines, a trustee that proposes to enter into the unit trust business must first be registered with the SC. The submitting party must ensure that the trustee has been duly registered with the SC before any application for approval to act as a trustee is submitted; and
- (b) For an application to act as trustee to a unit trust fund, the application must be accompanied with the following documents:

Documents	
(i)	Form <i>SC/TRUSTEE</i> : Application for the appointment of a company to act as a trustee to a unit trust fund.
(ii)	Statutory declaration from the applicant stating that it is independent of the management company.

Note

An application to appoint a trustee related to a management company shall be submitted in accordance with the procedures set out in the *Guidelines on Allowing a Person to Be Appointed or to Act as Trustee under Subsection 99(1) of the Securities Commission Act 1993*.

(4) Application to Appoint a Delegate Not Licensed by the SC

- (a) For an application to appoint a delegate not licensed by the SC, the application must be accompanied with the following documents:

	Documents
(i)	Form <i>SC/UTMC/DELEGATE</i> : Application for the appointment of a delegate not licensed by the SC.
(ii)	An undertaking that the applicant will take responsibility for the actions and omissions of any delegate as though they were its own actions and omissions.
(iii)	A declaration by the applicant that: <ul style="list-style-type: none">• the applicant has adequate procedures to monitor the conduct of the delegate to ensure that the delegated function is performed in a proper and efficient manner.• the applicant has conducted a review of the operations of the delegate, and is satisfied that the delegate has the capabilities, capacity and is suitable to undertake the delegated function.• The applicant is satisfied that the delegate will be able to fulfill its duties and responsibilities in respect of the delegated function in a proper and efficient manner.
(iv)	A letter of approval from the trustee in respect of the delegated function (where applicable).
(v)	A draft agreement between the applicant and the delegate.
(vi)	<ul style="list-style-type: none">• Checklist for Compliance with Guiding Principles for Outsourcing of Back Office Functions for Capital Market Intermediaries (where applicable).• Undertaking and Declaration by the Director or Authorised Person on Compliance with the Guiding Principles for Outsourcing of Back Office Functions for Capital Market Intermediaries (where applicable).
(vii)	<ul style="list-style-type: none">• Checklist for Compliance with Guidelines on Performance of Supervisory Functions at Group Level for Capital Market

	<p>Intermediaries (where applicable).</p> <ul style="list-style-type: none"> • Undertaking and Declaration by the Director or Authorised Person on Compliance with the Guidelines on Performance of Supervisory Functions at Group Level for Capital Market Intermediaries (where applicable).
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(5) *Application for Approval of a Foreign Market for Investment by a Unit Trust Fund*

- (a) An application to invest in a foreign market is “deemed approved” by the SC if the market relates to exchanges recognised by Bursa Malaysia Securities Berhad or futures exchanges specified under the Futures Industry Act 1993. However, the management company is required to submit a notification to the SC on the foreign exchanges that the fund is going to invest in; and
- (b) For an application for approval of a foreign market (other than the exchanges recognised by Bursa Malaysia Securities Berhad or futures exchanges specified under the Futures Industry Act 1993) for investment by a unit trust fund, the application must be accompanied with the following document:

Document	
(i)	Form <i>SC/UTMC-FM</i> : Application for approval of a foreign market for investment by a unit trust fund.

(6) *Application for an Increase in the Approved Fund Size*

- (a) The management company must notify the SC of any increase in the approved fund size pursuant to clause 15.02(11), together with the necessary declaration.

However, for increases that do not meet the criteria of clause 15.02(11), an application must be submitted to the SC for approval and must be accompanied with the following documents:

	Documents
(i)	Form <i>SC/UTF-INCREASE</i> : Application for an increase in the approved fund size.
(ii)	Approval letter from the trustee of the fund, underlying the basis on which an approval is given.

(7) *Application for an Exemption/Variation/Extension of Time*

(a) For an application for an exemption/variation/extension of time, the application must be accompanied with the following documents:

	Documents
(i)	Statement from the trustee of the fund (where applicable).
(ii)	Approval or clearance letter from other authorities (where applicable).

(8) *Application to Appoint Chief Executive Officer, Director, Investment Committee Member and Panel of Advisers*

(a) For an application to appoint a chief executive officer, director, investment committee member and panel of advisers, the application must be accompanied with the following documents:

	Documents
(i)	Form <i>SC/APP</i> : Application to appoint a chief executive officer/director/investment committee member/panel of advisers (<i>to be completed by the respective candidate</i>).

(ii)	Statutory declaration duly completed by each of the proposed candidates for the office of chief executive officer/director/investment committee member/panel of advisers (<i>in the form provided in Appendix II of this schedule</i>).
(iii)	Two copies of the candidate's national registration identity card (NRIC) or passport.
(iv)	The basis for the recommendation as well as the resolution of the board of directors on the proposed appointments, including details of dissenting opinions (if any). Note For a new management company, the resolution would be of the board of directors of the holding company/promoter.

Note

An application to appoint a director of a management company that is a licensed entity shall be made in accordance with the procedures set out in the *Guidelines for Submission Through the Electronic Licensing Application System*.

(9) Application to Register/Renew Registration for Trustee to a Unit Trust Fund

- (a) For an application to register/renew the registration of a trustee to a unit trust fund, the application must be accompanied with the following documents:

	Documents
(i)	Form <i>SC/TRUSTEE-REGISTRATION</i> : Application for registration/renewal of registration for trustee to a unit trust fund.
(ii)	Form <i>SC/INFO</i> : Information on the chief executive officer and directors of the trustee [to enclose two copies of national registration identity card (NRIC) or passport].

(10) Application to Register/Renew Registration for Syariah Committee Member/Syariah Adviser

- (a) For an application to register/renew the registration of a Syariah committee member/Syariah adviser, the application must be accompanied with the following documents:

	Documents
(i)	Form <i>SC/SYARIAH-REGISTRATION 1 (for individual)</i> : Application for registration/renewal of registration of a Syariah-qualified individual <i>(to be completed by each candidate)</i> ; or Form <i>SC/SYARIAH-REGISTRATION 2 (for a company)</i> : Application for registration/renewal of registration as a Syariah adviser.
(ii)	Statutory declaration <i>(to be completed by each individual candidate and in the form provided in Appendix III of this schedule)</i> .
(iii)	Certified true copies of relevant certificates <i>(for individuals, including the Syariah-qualified personnel in the Syariah adviser)</i> .
(iv)	Two copies of the applicant's national registration identity card (NRIC) or passport <i>(for individuals, including the Syariah-qualified personnel in the Syariah adviser)</i> .

SCHEDULE B – Appendix I (a)

Declaration by the Applicant

The Chairman
Securities Commission

Dear Sir

APPLICANT (*name of management company/trustee*)

Declaration Pursuant to Clause 15.02(2)(b) of the Guidelines on Unit Trust Funds

We, ... (*name of applicant*)..., are proposing to undertake the following proposals:

- a.
- b.
- c.

(hereinafter referred to as "the Proposal").

- 2. We confirm that after having made all reasonable enquiries, and to the best of our knowledge and belief, there is no false or misleading statement contained in, or material omission from, the information that is provided to the adviser(s)/expert(s) or to the SC in relation to the above Proposal.
- 3. We declare that we are satisfied after having made all reasonable enquiries that the Proposal is in full compliance with the following:
 - (i) The *Guidelines on Unit Trust Funds**; and
 - (ii) Other requirements under the *Securities Commission Act 1993* as may be applicable.
- 4. Save as otherwise disclosed in the attachment accompanying this declaration, the Applicant has not been convicted or charged in a court of law with any

offence under the securities laws, corporations laws or other relevant laws involving fraud or dishonesty, for the last 10 years prior to the submission.

5. We declare that we will ensure continuous compliance with the requirements and conditions imposed by the SC in relation to the above Proposal.
6. We undertake to provide to the SC all such information as the SC may require in relation to the Proposal.

The above Declaration has been signed by me as ...(*designation of director*)... of ...(*the applicant*)... pursuant to authority granted to me by a resolution of the Board of Directors on ...(*date of resolution*)...

Yours faithfully

.....

Signature

Name:

Name of applicant:

Date:

Note

- * Applicable only in relation to Proposals falling under the *Guidelines on Unit Trust Funds*. Where an application for exemption is being sought, to insert the words "except clause(s) ...(*refer to clause where exemption is being sought*)... where exemption(s) is/are being sought as part of the submission to the SC."

SCHEDULE B – Appendix I (b)

Declaration by the Adviser

The Chairman
Securities Commission

Dear Sir

APPLICANT (*name of management company/trustee*)

Declaration Pursuant to Clause 15.02(2)(b) of the Guidelines on Unit Trust Funds

...(*Name of applicant*)... is proposing to undertake the following proposals:

- (a)
- (b)
- (c)

(hereinafter referred to as "the Proposal").

We, ...(*name of adviser*)..., are the adviser of ...(*name of applicant*)... in respect of the Proposal.

- 2. We confirm that after having made all reasonable enquiries, and to the best of our knowledge and belief, there is no false or misleading statement contained in, or material omission from, the information that is provided to the SC in relation to the above Proposal.
- 3. We declare that we are satisfied after having made all reasonable enquiries that the Proposal is in full compliance with the following:
 - (i) The *Guidelines on Unit Trust Funds**; and
 - (ii) Other requirements under the *Securities Commission Act 1993* as may be applicable.

4. We undertake to immediately inform the SC if it has come to our knowledge that the Applicant has contravened or failed to comply with the guidelines and laws listed in paragraph 3 above, after submission of this declaration relating to the Proposal until the implementation of the Proposal.
5. We undertake to provide to the SC all such information as the SC may require in relation to the Proposal.

Yours faithfully

.....

Signature

Name of Authorised Signatory:

Designation:

Name of Adviser:

Date:

Note

- * Applicable only in relation to Proposals falling under the *Guidelines on Unit Trust Funds*. Where an application for exemption is being sought, to insert the words "except clause(s) ...(refer to clause where exemption is being sought)... where exemption(s) is/are being sought as part of the submission to the SC."

SCHEDULE B – Appendix II (a)

Statutory Declaration by the Chief Executive Officer of a Management Company

I, (1) (NRIC/Passport No), do solemnly and sincerely declare that I am/will be the Chief Executive Officer of (2)

2. I do solemnly declare that-

- (a) I am not an undischarged bankrupt, that there is no bankruptcy petition pending or threatened against me and further, that I have not commenced negotiations with any party with a view to rescheduling all or any of my indebtedness to that part;
- (b) I have not conducted myself in any manner which may make me unfit to act as the chief executive officer of a management company;
- (c) **as a chief executive officer**, I have no interest (whether direct or indirect and whether beneficial or otherwise) in a management company other than(2).....;
- (d) **save as disclosed in paragraph 3 below**, I have not been convicted for fraud or any offence nor has any action (whether civil or otherwise) of a material nature or amount been taken against me, either within or outside Malaysia;
- (e) **save as disclosed in paragraph 3 below**, there have been/are no inquiries and/or investigations made/pending against me by any governmental or regulatory authority or body, either within or outside Malaysia; and

(f) I have made full and true disclosure of all material facts and information and have not concealed nor omitted any material fact or information.

3. I declare that the following action(s)/inquiry(ies)/investigation(s) has(have) been taken/is(are) pending against me and/or I have been convicted of the following offence(s)-

.....(3).....

(delete the whole paragraph if not applicable)

4. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Statutory Declaration Act 1960*.

Subscribed and solemnly)

declared by the)

above named.....(1).....)

at.....)

In the state of.....)

.....)

this.....day of)

.....20.....)

Before me,

Commissioner of Oaths/Notary Public

Note

- (1) Name of Chief Executive Officer and NRIC No. or Passport No.
- (2) Name of management company.
- (3) Nature and type of action(s)/inquiry(ies)/investigation(s) and/or offence(s), if applicable.

SCHEDULE B – Appendix II (b)

Statutory Declaration by a Director of a Management Company

I, (1) (NRIC/Passport No), do solemnly and sincerely declare that I am/will be a director of (2)

2. I do solemnly declare that-

- (a) I am not an undischarged bankrupt, that there is no bankruptcy petition pending or threatened against me and further, that I have not commenced negotiations with any party with a view to rescheduling all or any of my indebtedness to that party;
- (b) I have not conducted myself in any manner which may disqualify or make me unfit to act as a director of a public company;
- (c) **as a director**, I have no interest (where direct or indirect and whether beneficial or otherwise) in a management company other than(2).....; *(delete the whole paragraph if not applicable)*
- (d) **as an independent director**, I have no interest (whether direct or indirect and whether beneficial or otherwise) in.....(2)and any other management company; *(delete the whole paragraph if not applicable)*
- (e) **save as disclosed in paragraph 3 below**, I have not been convicted for fraud or any offence nor has any action (whether civil or otherwise) of a material nature or amount been taken against me, either within or outside Malaysia;

(f) **save as disclosed in paragraph 3 below**, there have been/are no inquiries and/or investigations made/pending against me by any governmental or regulatory authority or body, either within or outside Malaysia; and

(g) I have made full and true disclosure of all material facts and information and have not concealed nor omitted any material fact or information.

3. I declare that the following action(s)/inquiry(ies)/investigation(s) has(have) been taken/is(are) pending against me and/or I have been convicted of the following offence(s)-

.....(3).....

(delete the whole paragraph if not applicable)

4. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Statutory Declaration Act 1960*.

Subscribed and solemnly)

declared by the)

above named.....(1).....)

at.....)

in the state of.....)

.....)

this.....day of)

.....20.....)

Before me,

Commissioner of Oaths/Notary Public

Note

(1) Name of director and NRIC No. or Passport No.

(2) Name of management company.

(3) Nature and type of action(s)/inquiry(ies)/investigation(s) and/or offence(s), if applicable.

SCHEDULE B – Appendix II (c)

Statutory Declaration by a Member of the Investment Committee of a Unit Trust Fund

I, (1) (NRIC/Passport No), do solemnly and sincerely declare that I am/will be a member of the investment committee of(2) managed/proposed to be managed by(3)

2. I do solemnly declare that-

- (a) I am not an undischarged bankrupt, that there is no bankruptcy petition pending or threatened against me and further, that I have not commenced negotiations with any party with a view to rescheduling all or any of my indebtedness to that party;
- (b) I have not conducted myself in any manner which may make me unfit to act as a member of the investment committee of a unit trust scheme;
- (c) **as a non-independent member**, I have no interest (where direct or indirect and whether beneficial or otherwise) in a management company other than.....(3).....; *(delete the whole paragraph if not applicable)*
- (d) **as an independent member**, I have no interest (where direct or indirect and whether beneficial or otherwise) in(3)..... and any other management company; *(delete the whole paragraph if not applicable)*
- (e) **save as disclosed in paragraph 3 below**, I have not been convicted for fraud or any offence nor has any action (whether civil or otherwise) of

a material nature or amount been taken against me, either within or outside Malaysia;

(f) **save as disclosed in paragraph 3 below**, there have been/are no inquiries and/or investigations made/pending against me by any governmental or regulatory authority or body, either within or outside Malaysia; and

(g) I have made full and true disclosure of all material facts and information and have not concealed nor omitted any material fact or information.

3. I declare that the following action(s)/inquiry(ies)/investigation(s) has(have) been taken/is(are) pending against me and/or I have been convicted of the following offence(s)-

.....(4).....

(delete the whole paragraph if not applicable)

4. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Statutory Declaration Act 1960*.

Subscribed and solemnly)
declared by the)
above named.....(1).....)
at.....)
in the state of.....)
.....)
this.....day of)
.....20.....)

Before me,

Commissioner of Oaths/Notary Public

Note

- (1) Name of member and NRIC No. or passport No.
- (2) Name of unit trust scheme.
- (3) Name of management company.
- (4) Nature and type of action(s)/inquiry(ies)/investigation(s) and/or offence(s), if applicable.

SCHEDULE B – Appendix II(d)

Statutory Declaration by a Member of the Panel of Advisers of a Unit Trust Fund

I, (1) (NRIC/Passport No), do solemnly and sincerely declare that I am/will be a member of the panel of advisers of(2) managed/proposed to be managed by(3)

2. I do solemnly declare that-

- (a) I am not an undischarged bankrupt, that there is no bankruptcy petition pending or threatened against me and further, that I have not commenced negotiations with any party with a view to rescheduling all or any of my indebtedness to that party;
- (b) I have not conducted myself in any manner which may make me unfit to act as a member of the panel of advisers of a unit trust scheme;
- (c) **as an independent member**, I have no interest (where direct or indirect and whether beneficial or otherwise) in(3)..... and any other management company; *(delete the whole paragraph if not applicable)*
- (d) **save as disclosed in paragraph 3 below**, I have not been convicted for fraud or any offence nor has any action (whether civil or otherwise) of a material nature or amount been taken against me, either within or outside Malaysia;
- (e) **save as disclosed in paragraph 3 below**, there have been/are no inquiries and/or investigations made/pending against me by any

governmental or regulatory authority or body, either within or outside Malaysia; and

(f) I have made full and true disclosure of all material facts and information and have not concealed nor omitted any material fact or information.

3. I declare that the following action(s)/inquiry(ies)/investigation(s) has(have) been taken/is(are) pending against me and/or I have been convicted of the following offence(s)-

.....(4).....

(delete the whole paragraph if not applicable)

4. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Statutory Declaration Act 1960*.

Subscribed and solemnly)
declared by the)
above named.....(1).....)
at.....)
in the state of.....)
.....)
this.....day of)
.....20.....)

Before me,

Commissioner of Oaths/Notary Public

Note

- 1. Name of member and NRIC No. or passport No.
- 2. Name of unit trust scheme.
- 3. Name of management company.
- 4. Nature and type of action(s)/inquiry(ies)/investigation(s) and/or offence(s), if applicable.

SCHEDULE B – Appendix III

Statutory Declaration by a Syariah-qualified Individual to Be Registered with the Securities Commission

I, (1) (NRIC/Passport No), do solemnly and sincerely declare that I am/proposed to be a member of a Syariah committee of a scheme managed and administered in accordance with Syariah principles.

2. I do solemnly declare that-

- (a) I am not an undischarged bankrupt, that there is no bankruptcy petition pending or threatened against me and further, that I have not commenced negotiations with any party with a view to rescheduling all or any of my indebtedness to that party;
- (b) I have not conducted myself in any manner which may make me unfit to act as a member of a Syariah committee of a scheme managed and administered in accordance with Syariah principles;
- (c) **as an independent member**, I have no interest (where direct or indirect and whether beneficial or otherwise) in(3)..... and any other management company; *(delete the whole paragraph if not applicable)*
- (d) **save as disclosed in paragraph 3 below**, I have neither been convicted for fraud or any offence nor has any action (whether civil or otherwise) of a material nature or amount been taken against me, either within or outside Malaysia ;
- (e) **save as disclosure in paragraph 3 below**, there have been/are no inquiries and/or investigations made/pending against me be any

governmental or regulatory authority or body, either within or outside Malaysia; and

(f) I have made full and true disclosure of all material facts and information and have neither concealed nor omitted any material fact or information.

3. I declare that the following action(s)/inquiry(ies)/investigation(s) has(have) been taken/is(are) pending against me and/or I have been convicted of the following offence(s)-

.....(2).....

(delete the whole paragraph if not applicable)

4. And I make this solemn declaration conscientiously believing the same to be true, and virtue of the provisions of the *Statutory Declaration Act 1960*.

Subscribed and solemnly)
declared by the)
above named.....(1).....)
at.....)
in the state of.....)
.....)
this.....day of)
.....20.....)

Before me,

Commissioner of Oaths/Notary Public

Note

- 1. Name of member and NRIC No. or passport No.
- 2. Name and type of action(s)/inquiry(ies)/investigation(s) and/or offence(s), if applicable.