

SECURITIES INDUSTRY (CENTRAL DEPOSITORIES) ACT 1991

SECURITIES INDUSTRY (CENTRAL DEPOSITORIES) (EXEMPTION) (No. 3) ORDER 1998

IN exercise of the powers conferred by section 62A of the Securities Industry (Central Depositories) Act 1991[Act 453], the Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Securities Industry (Central Depositories) (Exemption) (No. 3) Order 1998**.

(2) This Order shall be deemed to have come into operation on 1 December 1998.

Exempt authorised nominee

2. The Minister hereby exempts the authorised nominee as specified in Schedule 1 from the provision of subsection 25A(1) of the Act.

Exemption from section 38

3. The Minister hereby exempts from the provision of section 38 an issuer of such security or classes of securities that are specified in the rules of the central depository which are not required to be deposited with the central depository for such period as may be specified in the rules of the central depository.

SCHEDULE 1

(Paragraph 2)

EXEMPT AUTHORISED NOMINEE

1. A holder of a dealer's licence under subsection 12(1) of the Securities Industry Act 1983[Act 280] in relation to such holder utilising, upon such terms and subject to such conditions as may specified by the rules of the central depository or the Kuala Lumpur Stock Exchange, a clearing account

as defined in the rules of the Kuala Lumpur Stock Exchange for the purpose of averaging the cost of shares in respect of an order given by—

- (a) a holder of a fund manager's licence under subsection 15A(1) of the same Act; and
 - (b) such foreign intermediaries as may be determined by the Kuala Lumpur Stock Exchange in consultation with the Securities Commission from time to time.
2. A custodian which is an authorised nominee specified in the rules of the central depository in relation to an American Depository Receipt or Global Depository Receipt programme where listed deposited securities form the underlying securities to such programme, subject to such conditions as may be specified in the rules of the central depository or the Kuala Lumpur Stock Exchange.
3. A licensed institution as defined in the Banking and Financial Institutions Act 1989[Act 372] or its wholly-owned subsidiary that is a nominee company, or a holder of a dealer's licence under subsection 12(1) of the Securities Industry Act 1983[Act 280] or its wholly-owned subsidiary that is a nominee company, in relation to securities that are held in the securities account of the licensed institution or its wholly-owned subsidiary that is a nominee company, or the holder of a dealer's licence or its wholly-owned subsidiary that is a nominee company where the beneficial owners of the securities are not known to them and the securities are not claimed from them.
4. A licenced institution as defined in the Banking and Financial Institutions Act 1989 or its wholly owned subsidiary that is a nominee company or the wholly-owned subsidiary that is a nominee company of a holder of a dealer's licence under subsection 12(1) of the Securities Industry Act 1983 which had taken securities relating to Employees' Shares Option Scheme as collateral in relation to such licensed institution or such dealer providing financing in respect of an Employees' Share Option Scheme as approved by the Securities Commission.
5. Amanah Raya Berhad or its wholly-owned subsidiary that is a nominee company set up under Public Trust Corporation Act 1995[Act 532] in relation to unclaimed securities.
6. The Central Depository (Pte) Ltd. in relation to any securities account maintained in its name at the Securities Clearing Automated Network Services Sdn. Bhd. from 1 December 1998 to 1 January 1999.

Made 14 December 1998.

[S (8.02) 443-17; PN(PU²)562]

DATO' MUSTAPA BIN MOHAMED,
Second Minister of Finance