

ORDER TO EXEMPT COMPLIANCE WITH PROVISIONS RELATING TO ISSUANCE OF PROSPECTUS FOR EXCHANGE-TRADED FUNDS

Issue Date: 2 January 2019

This order is made pursuant to subsections 235(3), 238(10) and 239(4) of the *Capital Markets and Services Act 2007* (CMSA) [Act 671]:

1. Definition

For the purposes of this order-

“exchange-traded fund”, which is a type of unit trust scheme, has the same meaning as assigned to it under the *Guidelines on Exchange-Traded Funds* (ETF Guidelines).

2. Non-application of paragraph 236(1)(a) of the CMSA

(1) Pursuant to subsection 235(3) of the CMSA, the SC exempts issuers of prospectus for exchange-traded fund from compliance with paragraph 236(1)(a) of the CMSA.

(2) Pursuant to subsection 235(4), the SC may specify in the ETF Guidelines or other instruments the manner in which the information required under paragraph 236(1)(a) of the CMSA is to be disclosed.

3. Non-application of subsection 238(6) of the CMSA

Pursuant to subsection 238(10) of the CMSA, the SC exempts issuers of prospectus for exchange-traded fund from compliance with subsection 238(6) of the CMSA, where a registered prospectus of a new exchange-traded fund is replaced by the issuer before such prospectus is issued to the public.

4. Non-application of subparagraph 239(2)(a)(ii) of the CMSA

Pursuant to subsection 239(4) of the CMSA, the SC exempts issuers of prospectus for exchange-traded fund from compliance with subparagraph 239(2)(a)(ii) of the CMSA, where it relates to the applicant of an exchange-traded fund.

5. Effective date

This order shall come into effect on 2 January 2019.