

**FREQUENTLY ASKED QUESTIONS
FOR SHARIAH ADVISERS
(Issued on: 3 April 2023)**

APPLICATION OF THE <i>GUIDELINES ON ISLAMIC CAPITAL MARKET PRODUCTS AND SERVICES</i> (ICMPS Guidelines) TO SHARIAH ADVISERS	
1.	<p>With the introduction of the ICMPS Guidelines, do I still need to refer to the <i>Guidelines for Shariah Advisers</i> (GSA)?</p> <p>No. The GSA has been superseded and the provisions of the GSA have been consolidated into the ICMPS Guidelines including those relating to the registration and obligation of Shariah advisers. In this regard, you are only to refer to the ICMPS Guidelines moving forward.</p>
2.	<p>What are the key requirements set out in the ICMPS Guidelines in relation to Shariah adviser?</p> <p>The ICMPS Guidelines, among others, set out the following:</p> <ul style="list-style-type: none"> (i) Criteria for registration of Shariah advisers; (ii) Roles and responsibilities of Shariah advisers; (iii) Continuous obligations and conduct requirements for Shariah advisers; and (iv) Fit and proper criteria for Shariah advisers.
REQUIREMENTS FOR REGISTRATION	
3.	<p>Who is eligible to be registered as a Shariah adviser?</p> <p>Malaysian and foreign individuals or corporations are eligible to register as a Shariah adviser subject to them meeting the requirements as set out in the ICMPS Guidelines.</p>
4.	<p>Would licensed Islamic banks, licensed banks and licensed investment banks approved by Bank Negara Malaysia (BNM) to carry on Islamic banking business need to apply for registration to become a Shariah adviser?</p>

	<p>No. Registration with the SC is not required for licensed Islamic banks, licensed banks and licensed investment banks approved by BNM to carry on Islamic banking business (financial institutions). However, financial institutions that provide Shariah advisory services must comply with the conduct requirements and continuous obligations as set out in the ICMPS Guidelines.</p>
5.	<p>What are the fees applicable to a Shariah adviser?</p> <p>All Shariah advisers will be required to pay fees specified by the SC. However, currently, the SC is granting a three-year fee waiver for all Shariah advisers starting from 1 January 2022.</p>
6.	<p>If I have any of the following degrees, am I qualified to register as a Shariah adviser?</p> <p>(a) Bachelor of Shariah but does not include study in <i>fiqh muamalat</i> (Islamic transaction/commercial law) or <i>usul fiqh</i> (Islamic jurisprudence);</p> <p>(b) Bachelor of <i>Usuluddin</i>; or</p> <p>(c) Bachelor of Law but does not focus on Shariah and does not include study in <i>fiqh muamalat</i> or <i>usul fiqh</i>.</p> <p>No, you are not qualified to register as a Shariah adviser. The ICMPS Guidelines require you to hold at minimum, a bachelor's degree in any of the following:</p> <p>(a) Shariah; or</p> <p>(b) Law, with a focus on Shariah; or</p> <p>(c) Islamic Studies</p> <p>in which the degree must include study in <i>fiqh muamalat</i> (Islamic transaction/commercial law) or <i>usul fiqh</i> (Islamic jurisprudence).</p>
7.	<p>I worked at an Islamic bank for six years. However, in the past one year, I worked in a sector other than Islamic finance. Am I eligible to register as a Shariah adviser?</p>

	No, you are not eligible to register as a Shariah adviser. The ICMPS Guidelines require you to have at least three consecutive years of relevant working experience in Islamic finance preceding the application.
8.	<p>I have a company registered as Limited Liability Partnership (LLP) in Malaysia under the <i>Limited Liability Partnerships Act 2012</i>. Can I register such company as a Shariah adviser under the corporation category?</p> <p>Yes, your company is eligible to be registered as a Shariah adviser under the corporation category subject to your company fulfilling all the relevant requirements.</p>
9.	<p>How do I submit my application for registration as a Shariah adviser?</p> <p>All hard copies of documents must be submitted to the SC, to be addressed to:</p> <p>Chairman Securities Commission Malaysia 3 Persiaran Bukit Kiara Bukit Kiara 50490 Kuala Lumpur (Attention: Islamic Capital Market Development)</p> <p>In addition to the submission of the hard copies of the documents above, all copies of the application forms and documents must be submitted to the SC via e-mail at:</p> <p>ICMShariahAdviser@seccom.com.my</p>

TRANSITIONAL ARRANGEMENTS

10.	<p>What is the transitional arrangement for all existing registered Shariah advisers upon the Effective Date of the ICMPS Guidelines?</p> <p>Existing Shariah advisers do not need to submit a new application to the SC upon the Effective Date of the ICMPS Guidelines. Existing Shariah advisers are deemed to be a registered Shariah adviser under the ICMPS Guidelines starting from the Effective Date.</p>
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<p>11.</p>	<p>I am an existing registered Shariah adviser who registered on 1 November 2022. When should I submit to the SC the annual declaration form relating to my attendance of the three SIDC CPE-approved courses (CPE Declaration Form) as required under the ICMPS Guidelines?</p> <p>Notwithstanding the Effective Date of the ICMPS Guidelines, if you were registered as a Shariah adviser under the GSA, the previous timeline for submission of the CPE Declaration Form would still apply to you. In this case, since your anniversary date of registration is on 1 November, you are required to submit the CPE Declaration Form to the SC within 10 business days after the anniversary date of your registration annually. For instance, for the year 2023, you must submit the CPE Declaration Form to the SC latest by 14 November 2023.</p>
<p>12.</p>	<p>I attended an SIDC CPE-approved course on 27 August 2022 prior to my registration as a Shariah adviser with the SC on 1 December 2022. Would my attendance of such course be calculated as one (1) of the SIDC CPE-approved courses which I am required to attend annually under the ICMPS Guidelines?</p> <p>No, your attendance of such SIDC CPE-approved course on 27 August 2022 would not be calculated as one (1) of the SIDC CPE-approved courses which you are required to attend annually under the ICMPS Guidelines because such attendance occurs prior to the date of your registration as a Shariah adviser with the SC on 1 December 2022. Only attendance of SIDC CPE-approved courses from the date of your registration as a Shariah adviser with the SC would be calculated.</p>
<p>13.</p>	<p>Once a Shariah adviser is registered or deemed registered under the ICMPS Guidelines, does the registration require renewal?</p> <p>Once a Shariah adviser is registered or deemed registered under the ICMPS Guidelines, the registration is perpetual and does not require renewal, subject to compliance with the requirements of the ICMPS Guidelines.</p>

FINANCIAL INSTITUTION	
14.	<p>Are the Shariah committee members of a Financial Institution required to attend the SIDC CPE-approved courses?</p> <p>A Financial Institution who is a Shariah adviser is encouraged to send its Shariah committee members to attend the SIDC CPE-approved courses.</p>
CONTINUOUS OBLIGATIONS (CPE-APPROVED COURSES AND ANNUAL DECLARATION FORM)	
15.	<p>Does the SIDC CPE-approved courses refer to training courses organised by SIDC only or also comprise any other training courses approved by SIDC which are organised by other training providers?</p> <p>The SIDC CPE-approved courses refer to any training courses which are approved by SIDC, either organised by SIDC or any other training providers.</p> <p>For reference, the SIDC CPE-approved courses are available on the SC website through the following link: https://ers.seccom.com.my/cpepublic/default.aspx.</p>
16.	<p>Are the directors and senior management of a corporation that is registered as a Shariah adviser with the SC required to submit the Declaration Form to the SC annually?</p> <p>Yes, the directors and senior management of such corporation are required to submit the Declaration Form to the SC annually within 10 business days after the anniversary date of registration of such corporation as a Shariah adviser.</p>