

SECURITIES INDUSTRY (CENTRAL DEPOSITORIES)
ACT 1991

SECURITIES INDUSTRY (CENTRAL DEPOSITORIES) (EXEMPTION) ORDER 2013

IN exercise of the powers conferred by subsection 62A(1) 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) Order 2013**.

(2) This Order comes into operation on 31 January 2013.

Interpretation

2. In this Order—

“retail debenture” means any debenture that is proposed to be issued or offered to retail investor and includes a debenture where an invitation to subscribe or purchase the debenture is proposed to be issued to retail investor;

“retail investor” has the same meaning assigned to it in the guidelines relating to sales practices issued by the Commission;

“retail sukuk” has the same meaning assigned to it in the relevant guidelines relating to sukuk issued by the Commission.

Exemption where physical scrips are not deposited with a central depository

3. (1) Where a central depository has entered into an arrangement with the Central Bank of Malaysia or an entity acting on behalf of the Central Bank of Malaysia to hold the legal title or physical possession of the physical scrips underlying such securities, or to hold any other document representing the security on behalf of the central depository, as bare trustee for the depositors, for the purpose of the Act, such securities shall be deemed as being deposited or lodged with, or held in custody by, the central depository, upon the central depository being satisfied that such securities have been deposited or lodged with such party.

(2) The Minister exempts the application of the following provisions for the purpose of securities set out in subparagraph (1):

- (a) subparagraphs 12(1)(c) and (e) of the Act;
- (b) subsection 17(1) of the Act; and
- (c) subsections 28(1), (2) and (3) of the Act.

Exemption from depositing retail debentures or retail sukuk with the central depository under subsection 14(1) of the Act

4. The Minister exempts the stock exchange from depositing retail debentures or retail sukuk with the central depository under subsection 14(1) of the Act where the retail debentures or retail sukuk have been deposited with the Central Bank of Malaysia or an entity acting on behalf of the Central Bank of Malaysia subject to such terms and conditions as may be imposed by the Commission.

Exemption from delivery of the scrips under subsections 37(2) and 38(1) of the Act

5. The Minister exempts the issuer or the offeror of retail debentures or retail sukuk from delivery of the scrips registered in the name of the central depository or its nominee company to the central depository under subsections 37(2) and 38(1) of the Act where the retail debentures or retail sukuk have been deposited with the Central Bank of Malaysia or

an entity acting on behalf of the Central Bank of Malaysia subject to such terms and conditions as may be imposed by the Commission.

Made 29 January 2013

[KK/BPKA/K1/(S)/483/9/5;PN(PU2)562/111]

DATO' SERI AHMAD HUSNI HANADZLAH

Second Minister of Finance