

**P.U. (A) 66/2009**

**CAPITAL MARKETS AND SERVICES ACT 2007**

**CAPITAL MARKETS AND SERVICES (NON-APPLICATION OF SUBSECTION 98 (1))  
(EXCHANGE TRADED FUNDS) ORDER 2009**

IN exercise of the powers conferred by paragraph 98(4)(e) of the Capital Markets and Services Act 2007 [Act 671], the Minister makes the following order:

**Citation and commencement**

1. (1) This order may be cited as the **Capital Markets and Services (Non-application of subsection 98 (1)) (Exchange Traded Funds) Order 2009**.

(2) This Order comes into operation on 20 February 2009.

**Non-application of subsection 98 (1)**

2. (1) Subsection 98(1) of the Act shall not be applicable in respect of any sale of Exchange Traded Funds unit and all constituent securities of the Exchange Traded Funds transacted by any person in any manner and circumstances as prescribed in the rules of the stock exchange.

(2) Any sale of Exchange Traded Funds units and all constituent securities of the Exchange Traded Funds shall comply with the rules of the stock exchange.

(3) For the purpose of this Order, "Exchange Traded Funds" means a listed index-tracking fund structured as a unit trust scheme or any other structure approved by the Securities Commission whose primary objective is to achieve the same return that corresponds to the performance of a particular index.

Made 12 February 2009  
[KK/BPKA/K1(S)/483/128/1/1;PN(PU<sup>2</sup>) 662/III]

TAN SRI NOR MD BIN YAKCOP  
*Second Minister of Finance*