

CAPITAL MARKETS AND SERVICES ACT 2007

CAPITAL MARKETS AND SERVICES (AMENDMENT OF SCHEDULE 5) ORDER 2018

IN exercise of the powers conferred by section 380 of the Capital Markets and Services Act 2007 [Act 671], the Minister, on the recommendation of the Commission, makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Capital Markets and Services (Amendment of Schedule 5) Order 2018**.

(2) This Order comes into operation on 1 April 2018.

Amendment of Schedule 5

2. Schedule 5 of the Capital Markets and Services Act 2007 is amended—

(a) by substituting for paragraph 1 the following paragraph:

“1. Making available, offering for subscription or purchase of, or issuing an invitation to subscribe for or purchase—

(a) unlisted capital market products as may be specified by the Commission to persons specified in Part I of Schedule 6 or Part I of Schedule 7; or

(b) debentures or sukuk exclusively to persons outside Malaysia,

provided that the making available of, offering for subscription or purchase of, or issuance of an invitation to subscribe for or purchase such unlisted capital market

products complies with the requirements of the guidelines issued by the Commission in relation to the Lodge and Launch Framework.”;

(b) in the English language text, in subparagraph 2(d) and (e) and paragraph 17, by substituting for the word “assets” the word “asset”;

(c) in subparagraph 2(f)—

(i) by inserting after the words “stock market” the words “of the stock exchange”;

(ii) by substituting for the word “falling” the words “involving an acquisition of asset”; and

(iii) by inserting after the word “or” the words “a proposal under”;

(d) in paragraph 11—

(i) in subparagraph (i)—

(A) by deleting the words “securities or”; and

(B) in the English language text, by substituting for the word “assets” the word “asset”; and

(ii) by substituting for the words “under paragraph 212(2)(d) or subsection 212(3)” the words “involving an acquisition of asset under paragraph 212(2)(d) or a proposal under subsection 212(3)”;

(e) by substituting for paragraph 13 the following paragraph:

“13. Any proposal, scheme, transaction, arrangement or activity, or issuance of, or offer for subscription or purchase of, or issuance of an invitation to subscribe for

or purchase, units in a unit trust scheme or prescribed investment scheme in relation to—

- (a) an acquisition of asset which results in a significant change in the business direction or policy of a unit trust scheme or prescribed investment scheme that is listed on the main market of the stock exchange other than a business trust; or
- (b) a disposal of asset which results in a significant change in the business direction or policy of a unit trust scheme or prescribed investment scheme that is listed on the main market of the stock exchange except in the case of a business trust where the disposal of asset by the business trust forms part of any other proposal that requires approval from the Commission.”;

(f) by substituting for paragraph 14 the following paragraph:

“14. In respect of a unit trust scheme or prescribed investment scheme that is listed on the main market of the stock exchange, making available, offering for subscription or purchase of, or issuing an invitation to subscribe for or purchase, units pursuant to—

- (a) a subdivision of units;
- (b) a bonus issue;
- (c) a rights issue;
- (d) a private placement exercise;
- (e) a distribution of income in units in lieu of cash;

- (f) an acquisition of asset that does not result in a significant change in the business direction or policy of that unit trust scheme or prescribed investment scheme; or
- (g) any other corporate exercise under the rules of the stock exchange as may be specified by the Commission,

except in the case of a business trust where it forms part of a proposal involving an acquisition of asset under paragraph 212(2)(d).”; and

- (g) by inserting after paragraph 14 the following paragraph:

“14A. Making available, offering for subscription or purchase of, or issuing an invitation to subscribe for or purchase—

- (a) units of a foreign unit trust scheme or foreign prescribed investment scheme that is listed on an exchange outside Malaysia pursuant to—
 - (i) a subdivision of units;
 - (ii) a bonus issue;
 - (iii) a rights issue;
 - (iv) a distribution of income in units in lieu of cash; or
 - (v) any other corporate exercise as may be specified by the Commission;
- (b) units held by a foreign unit trust scheme or foreign prescribed investment scheme that is listed on an exchange outside Malaysia pursuant to a distribution of income in units in lieu of cash;

- (c) units pursuant to a take-over offer of a foreign unit trust scheme or foreign prescribed investment scheme; or
- (d) units of a foreign unit trust scheme or foreign prescribed investment scheme that is not listed on the stock exchange or an exchange outside Malaysia pursuant to—
 - (i) a bonus issue;
 - (ii) a distribution of income in units in lieu of cash; or
 - (iii) a non-renounceable rights issue.”.

Made 29 January 2018

[SKK/SID/(S)/483/669/4JLD.2(SK.6);GC(R&R)/CMSA-Schedule5-1/2016(027)-2; PN(PU2)662/XIII]

DATUK SERI JOHARI BIN ABDUL GHANI

Second Minister of Finance