

P.U.(A) 482/2012

Incorporating latest amendment – **P.U.(A) 235/2016** (C.I.F : 7 September 2016)

CAPITAL MARKETS AND SERVICES ACT 2007

CAPITAL MARKETS AND SERVICES (CAPITAL MARKET COMPENSATION FUND)
(CONTRIBUTION) REGULATIONS 2012

IN exercise of the powers conferred under subsection 160(1) of the Capital Markets and Services Act 2007 [*Act 671*], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Capital Markets and Services (Capital Market Compensation Fund)(Contribution) Regulations 2012**.

(2) These Regulations come into operation on 28 December 2012.

Application

2. These Regulations shall apply to relevant person under Part IV of the Act.

Interpretation

3. In these Regulations—

“Fund” means the Capital Market Compensation Fund;

“Corporation” means the Capital Market Compensation Fund Corporation.

Contributions to the Fund

4. (1) A relevant person specified in the first column of Schedule 1 shall, upon being licensed under the Act, pay to the Corporation the amount that is specified in the second column of Schedule 1 as a contribution to the Fund.

(2) A relevant person under subsection (1) shall, on the anniversary date of the licence make further payments to the Corporation according to the amount that is specified in the third column of Schedule 1.

(3) The Minister may, from time to time vary the amount and manner of contribution by a relevant person to the Fund.

Failure to make contributions to the Fund

5. (1) The Corporation shall immediately notify the Commission of any failure to make contributions to the Fund as specified in Schedule 1.

(2) Where a relevant person fails to make contributions to the Fund, it shall be deemed a breach of a licensing condition by the relevant person and the Commission may take action against the said relevant person.

(3) Any contributions owing to the Corporation by any relevant person can be sued for and recovered as a contractual debt.

SCHEDULE 1

[Regulation 4]

Part 1

Contribution by a holder of a Capital Markets Services Licence for dealing in securities, dealing in derivatives or fund management

| Relevant Person | Contribution | |
|---|---------------------|--|
| | Upon being licensed | On anniversary date |
| Participating organization: investment bank | RM30,000.00 | RM10,000.00 |
| Participating organization: non-investment bank | RM30,000.00 | RM5,000.00 |
| Trading participant | RM30,000.00 | RM10,000.00 for each of the five years upon the trading participant being licensed |
| A holder of a Capital Markets Services Licence for dealing in securities restricted to unit trust | RM150,000.00 | - |
| A holder of a Capital Markets Services Licence for fund management | RM150,000.00 | - |
| A holder of both a Capital Markets Services Licence for dealing in securities restricted to unit trust and a Capital Markets Services Licence for fund management <i>[Ins. P.U.(A) 328/2014]</i> | RM150,000.00 | - |

| Relevant Person | Contribution | |
|---|---------------------|---------------------|
| | Upon being licensed | On anniversary date |
| | | |
| Trading participant or a holder of a Capital Markets Services Licence for fund management, trading in derivatives in Specified Exchange | RM100,000.00 | - |
| A holder of a Capital Markets Services Licence for dealing in securities and dealing in derivatives who is directed by the Commission to be a member of a body corporate approved by the Commission for settlement of dispute or claims <i>[Ins. P.U.(A) 235/2016]</i> | RM30,000.00 | RM5,000.00 |

Part 2

Contribution by a holder of a Capital Market Services Licence for fund management who is an approved private retirement scheme provider

| Relevant person | Upon being licensed | On anniversary date | |
|---|---------------------|---|--------------|
| | | Net Asset Value/Asset Under Management of the Private Retirement Scheme – | Contribution |
| A holder of a Capital Market Services Licence for fund management who is an approved private retirement scheme provider | - | > RM10 billion | RM 50,000.00 |
| | | RM 1 billion – RM 10 billion | RM 30,000.00 |
| | | RM 100 million – RM 1 billion | RM 20,000.00 |
| | | < RM 100 million | RM 10,000.00 |

Approved 27 Disember 2012

[KK/BPKA/K1/(S)/483/128/1/1Jld.8 ;PN(PU2)662/VII]

DATO' SERI AHMAD HUSNI MOHAMAD HANADZLAH
Second Minister of Finance