

# SECURITIES COMMISSION ACT 1993

## SECURITIES COMMISSION (CRITERIA FOR EXERCISE OF POWERS UNDER SECTION 32) ORDER 1996

In exercise of the powers conferred by subparagraph 44(2)(d) of the Securities Commission Act 1993, the Minister makes the following order:

1. This order may be cited as the **Securities Commission (Criteria for Exercise of Powers Under Section 32) Order 1996** and shall come into force on 18 January 1996.

Citation and commencement.

2. The Securities Commission in exercising its powers under section 32 of the Securities Commission Act 1993, may have regard to any of the following criteria:

Criteria for exercising powers.  
Act 498.

- (a) whether or not it appears that there will be adequate disclosure of material information in the prospectus or that there is an adequately informed market and investors;
- (b) whether the enquiries (if any) of the corporation concerned, its officers, underwriters and advisers provide adequate verification of the accuracy and completeness of information disclosed;
- (c) whether the persons in respect of whom a proposal has been made need protection through the process of approval and disclosure pursuant to Part IV of the Securities Commission Act 1993 and Part IV of the Companies Act 1965;
- (d) the type of business in which the corporation is engaged and the risks associated with it;
- (e) the record of the corporation and the character, skills and experience of its management;
- (f) the purposes for which it is sought to raise funds;
- (g) the suitability of permitting the proposal or permitting trading of securities on the stock market of a stock exchange or any stock market outside Malaysia;
- (h) interest of the public; or
- (i) whether the operation of market forces, including those with respect to the price, provided an adequate mechanism for dealing with the risks and merits of the proposals.

Act 498.  
Act 125.

3. The expressions "Commission", "corporation", "officer" and "proposal" shall have the meanings given in the Securities Commission Act 1993 and the expression "stock market" shall have the meaning given by the Securities Industry Act 1983.

Interpretation.

Act 498.  
Act 280.

Made 11 January 1996.  
[PP(S) 0.112/Jld. XII; PN. (PU<sup>2</sup>) 523.]

ANWAR IBRAHIM,  
Minister of Finance