

SECURITIES INDUSTRY ACT 1983

SECURITIES INDUSTRY (LICENSING OF FUND MANAGER AND FUND
MANAGER'S REPRESENTATIVE) REGULATIONS 1996

Act 280. In exercise of the powers conferred by section 127 of the Securities Industry Act 1983, the Minister makes the following regulations:

PART I

PRELIMINARY

Citation and commencement. 1. These regulations may be cited as the **Securities Industry (Licensing of Fund Manager and Fund Manager's Representative) Regulations 1996** and shall come into force on 7 March, 1996.

Interpretation. 2. In these Regulations, unless the context otherwise requires—

“Act” means the Securities Industry Act 1983;

Act 280.
Act 453.
Act 498.
Act 499. “securities laws” means the Securities Industry Act 1983, Securities Industry (Central Depositories) Act 1991, Securities Commission Act 1993 and the Futures Industry Act 1993.

3. (1) The forms set out in the First Schedule are prescribed for use Forms. under the Act and these Regulations.

(2) Where a form requires—

- (a) the lodging of a document; or
- (b) the giving of information—
 - (i) by the completion of the form in the prescribed manner; or
 - (ii) by the supply or completion of another document,

that document or information shall be taken to be the document or information required under the Act or these Regulations for the purposes for which that form is prescribed.

(3) The Commission may require further information to be given in addition to the information required by the prescribed form.

(4) A form shall be completed in accordance with the directions specified in the form.

(5) Where a form requires the insertion of the name of an individual person, it shall—

- (a) in the case of a Malaysian citizen, be the name as it appears in the identity card of that person; or
- (b) in the case of a non-Malaysian citizen, be the name as it appears in the passport, of that person.

4. An annexure accompanying a form shall—

Annexures accompanying forms.

- (a) have an identifying mark;
- (b) be endorsed with the following words:

"This is an annexure of pages marked
(number of pages)
referred to in Form *1/2/3/4/5/6 signed
(identifying mark)
 by *me/us and dated.....
(date of signature)

[*Delete whichever is not applicable.]; and

- (c) be signed by each person signing the form to which the document is annexed.

5. Unless the Commission approves otherwise, a document to be lodged pursuant to the Act or these Regulations shall—

General requirement for documents.

- (a) be on white or light-coloured paper—
 - (i) of medium weight and good quality; and
 - (ii) of international A4 size (297 millimetres by 210 millimetres);

- (b) be printed or typewritten and be clearly legible;
- (c) not be a carbon copy;
- (d) have margins of not less than 25 millimetres on each side;
- (e) where the document comprises two or more sheets—
- (i) be bound together securely; and
 - (ii) have a margin of not less than 25 millimetres on the side on which it is bound in addition to any space required for binding;
- (f) have endorsed on the first sheet—
- (i) the name;
 - (ii) the address; and
 - (iii) the telephone number,
- of the person by whom or on whose behalf the document is lodged; and
- (g) be in the national language or in the English language.

Fees.

6. The fees to be paid in respect of all matters arising under the Act and these Regulations shall be as specified in the Third Schedule.

FIRST SCHEDULE

(Regulation 3)

LIST OF FORMS

(1) <i>Provisional of Act and Regulations for which Form prescribed</i>	(2) <i>Description of Form</i>	(3) <i>Form Number in Second Schedule</i>
Section		
15A	Application for Fund Manager's Licence	1
16	Application for Renewal of Fund Manager's Licence	2
15A	Fund Manager's Licence	3
15B	Application for Fund Manager's Representative's Licence	4
16	Application for Renewal of Fund Manager's Representative's Licence	5
15B	Fund Manager's Representative's Licence	6
19 (2)	Application by a Fund Manager's Representative for Variation of Particulars Relating to Principal	7
25	Notice of Particulars of Cessation or Change	8
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SECOND SCHEDULE

(Regulation 3)

Form 1

SECURITIES INDUSTRY ACT 1983

(Section 15A)

APPLICATION FOR FUND MANAGER'S LICENCE

Important: Before completing this application please read carefully the "Directions for completing Form 1" at the end of this form.

1. The name of the corporation making this application is (including former name [if any] and the date of change):

In this application that corporation is referred to as "the applicant".

2. Registered office:

3. (a) Place of incorporation:

(b) Date of incorporation:

(c) Registration number:

4. Full address of the principal place of business:

Tel. No.:

Fax No.:

5. The authorised, issued and paid-up capital of the applicant, including the types of shares authorised or issued (eg. types, number, par value and issue price):

6. Specify the details of the shareholders of the applicant, including—

(a) the name (state whether Malaysian or foreign including previous name);

(b) old and new identity card numbers and place of issue (in the case of an individual who is a Malaysian national);

(c) passport number and place of issue (in the case of an individual);

(d) registration number and place of incorporation (in the case of a company);

(e) address (registered address and business address in the case of a company);
and

(f) number and percentage of shares held and date of acquisition of shares.

7. Specify—

(a) the name (including previous name);

(b) designation including brief description of duties;

(c) old and new identity card numbers and place of issue (in the case of an individual who is a Malaysian national);

(d) passport number and place of issue; and

(e) residential address,

of each person who directly or indirectly exercises, or has the power to exercise, a controlling influence over the management and policies of the applicant:

8. If 20% or more of the shares in the applicant are held by one corporation, provide in an annexure an organisation chart showing—

- (a) the shareholding relationships between the corporation, the applicant and each corporation connected with the applicant, the corporation or each other; and
- (b) each individual shareholder who holds not less than 20% of the shares of the applicant, the corporation or a connected corporation.

In the case of an individual shareholder—

- (a) state also the old and new identity card numbers and place of issue (in the case of a Malaysian national); and
- (b) passport number and place of issue.

(See the interpretation of "connected corporation" in subparagraph 1(2) of the Directions)

9. Specify in respect of any associate (as defined in section 3 of the Securities Industry Act 1983) of the applicant that is a corporation—

- (a) the name of the corporation;
- (b) the place of its incorporation; and
- (c) the details of that relationship.

10. Specify in respect of the chief executive (as defined in section 2 of the Securities Industry Act 1983) and principal officer (as defined in paragraph 1 of the Directions) of the applicant—

- (a) the name of the person (including previous name);
- (b) his nationality;
- (c) (i) in the case of a Malaysian national, his old and new identity card numbers and place of issue, and passport number and place of issue;
(ii) in any other case, his passport number and place of issue;
- (d) his residential address;
- (e) his date of birth;
- (f) the office held by him;
- (g) the date of his appointment; and
- (h) experience in fund management business.

11. If a chief executive and principal officer of the applicant is a director of any other corporation (wherever incorporated), specify in respect of each person—

- (a) the name of the person;
- (b) the name of the corporation;
- (c) nature of the business;
- (d) the place of its incorporation;
- (e) the date of the appointment as director; and
- (f) nature of appointment (executive or non-executive).

12. If a chief executive and principal officer of the applicant owns, either directly or indirectly, 5% or more of the voting shares of any other corporation, specify in respect of each corporation—

- (a) the name of the corporation;

- (b) the place of its incorporation;
- (c) the details of the ownership; and
- (d) paid up capital of the corporation.

13. In relation to each officer and representative of the applicant, specify—

- (a) the name;
- (b) the date of birth;
- (c) his nationality;
- (d) (i) in the case of a Malaysian national, his old and new identity card numbers and place of issue, and passport number and place of issue;
(ii) in any other case, his passport number and place of issue;
- (e) the designation;
- (f) the department; and
- (g) experience in fund management business,

of the officer or representative.

(See the definitions of "officer" and "representative" in section 2 of the Securities Industry Act 1983.)

14. (a) Is business of a fund manager the sole or principal business proposed to be carried on by the applicant?.....

(Answer "Yes" or "No".)

If "No", state the details of the applicant's principal business: (see paragraph 5 of the Directions)

(b) Is the applicant carrying on, and/or does the applicant propose to carry on, any businesses other than as a fund manager?.....

(Answer "Yes" or "No".)

If "Yes", state the details of the applicant's other businesses or proposed businesses: (see paragraph 5 of the Directions)

15. Has the applicant had any experience in performing the functions relevant to the type of licence applied for?.....

(Answer "Yes" or "No".)

If "Yes", state the details of that experience:

16. Specify—

- (a) the type of clients with whom the applicant proposes to do business; and
- (b) the nature of the funds which the applicant proposes to manage (eg. type of funds for investments).

17. Describe in detail the management and organisation structure, reporting principles and procedures, internal audit procedures, procedures for compliance with the securities laws, where applicable, and risk management policies which the applicant has adopted or proposes to adopt for its proposed business.

18. Provide details of any of the applicant's associates (as defined in section 3 of the Securities Industry Act 1983) which are or were involved in any activities related to dealing in securities, carrying on business of advising others concerning securities, or issues or promulgates analyses or reports concerning securities, or carrying on a business as a fund manager in Malaysia or elsewhere.

19. Provide details of any of the applicant's associates which are or were involved in any activities related to trading in futures contracts or carrying on a futures fund management business or futures advice business in Malaysia or elsewhere. (See the definitions of "futures contract", "futures advice business" and "futures fund management business" in the Futures Industry Act 1993)

20. Specify in respect of each chief executive and principal officer of the applicant—

(a) academic and professional qualifications and attach copies of any certificates (See paragraph 6 of the Directions);

(b) in the following table, details of previous and current employment and business activities, indicating in columns (1) and (2) the words "self-employed" for any period of self-employment:

Name of chief executive and principal officer (1)	Name and address of employer (if self-employed, so state) (2)	Nature of business of employer (3)	Description of duties in relation to the employment or activity (4)	Period of employment or activity (give exact dates) (5)

(c) the names, business and residential addresses, and telephone numbers of two referees. (See paragraph 7 of the Directions)

21. Has the applicant, its chief executive, any of the officers or representatives of the applicant, within the last 10 years, in Malaysia or elsewhere, applied to be licensed or registered, or be given authority, in any capacity which is required by any law or regulations?.....

(Answer "Yes" or "No".)

If "Yes", specify in the following table details of any application:

(a) Name of the chief executive, officer or representative (if applicable):			
(b) Nature of the licence, registration or authority:			
(c) Country in which the application was made:			
(d) Date of the application and approval (if applicable):			

(e) Was the application withdrawn, approved or rejected?			
(f) If "withdrawn" or "rejected", state reasons, if known. If "approved", complete subitems (g)-(l)			
(g) Were there conditions or restrictions attached to the licence, registration or authority?	*Yes/*No	*Yes/*No	*Yes/*No
(h) If "yes", state the details of the conditions or restrictions.			
(i) At any time after the approval, has the applicant, its chief executive or any of its officers or representatives been censured, fined, disciplined, or had the licence, registration or authority been suspended, revoked or been denied renewal?	*Yes/*No	*Yes/*No	*Yes/*No
(j) If "yes", state all relevant details of the censure, fine, disciplinary action, suspension, revocation or denial.			
(k) Date of surrender of licence or deregistration (if applicable):			
(l) Reasons for surrender or deregistration (if applicable):			

22. Has the applicant, its chief executive or any of the officers or representatives of the applicant, within the last 10 years, in Malaysia or elsewhere, applied to be a member of a securities exchange (as defined in paragraph 1 of the Directions) or a body corporate that provides clearing house facilities (as defined in paragraph 1 of the Directions)?.....

(Answer "Yes" or "No".)

If "Yes", specify in the following table details of any membership:

(a) Name of the chief executive, officer or representative (if applicable):			
(b) Name of securities exchange, or body corporate:			
(c) Was the application withdrawn, approved or rejected?			
(d) If "withdrawn" or "rejected", state reasons, if known. If "approved", complete subitems (e)-(i).			
(e) Period of membership (give exact dates):			
(f) Were there conditions or restrictions attached to the membership?	*Yes/*No	*Yes/*No	*Yes/*No
(g) If "yes", state the details of the conditions or restrictions.			
(h) During the period of membership, has the applicant, its chief executive, any of its officers or representatives been censured, fined, disciplined, suspended, expelled or had the membership been denied renewal?	*Yes/*No	*Yes/*No	*Yes/*No
(i) If "yes", state all relevant details of the censure, fine, disciplinary action, suspension, expulsion or denial.			

23. (Answer "Yes" or "No". If "Yes", see paragraph 8 of the Directions.)

Has the applicant, chief executive, any officer or any representative, of the applicant, within the past 10 years in Malaysia or elsewhere—

Answer

- (a) been convicted of any offence, or are there any proceedings now pending which may lead to such a conviction of any offence involving fraud or other dishonesty, or violence?
- (b) had judgment involving findings of fraud or other dishonesty, or violence, misrepresentation, dishonesty, breach of contract, breach of fiduciary duty or professional negligence given against him or it, as the case may be, in any civil proceedings, or are there any proceedings now pending that may lead to such a judgement or finding?
- (c) contravened any written law designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of financial services or the management of companies or against financial loss due to the conduct of discharged or undischarged bankrupts?
- (d) (i) in the case of a chief executive, an officer or representative, been declared a bankrupt or entered into a composition or arrangement with creditors?
- (ii) in the case of the applicant—
 - (A) had a receiver, or a receiver and manager, been appointed in respect of any of the assets of the applicant?
 - (B) entered into a compromise or arrangement with creditors or members?
 - (C) had a petition presented in a court for its winding up?
- (e) been subject to any form of disciplinary proceedings or actions by any professional or regulatory body?

24. (Answer "Yes" or "No". If "Yes", see paragraph 9 of the Directions.)

Has the applicant, chief executive, any officer or any representative, of the applicant, been involved in the management of a corporation within the past 10 years in Malaysia or elsewhere which at the time of his involvement—

Answer

- (a) been convicted of any offence, or are there any proceedings now pending which may lead to such a conviction of any offence involving fraud or other dishonesty, or violence?
- (b) had judgment involving findings of fraud or other dishonesty, or violence, misrepresentation, dishonesty, breach of contract, breach of fiduciary duty or professional negligence given against him or it, as the case may be, in any civil proceedings, or are there any proceedings now pending that may lead to such a judgement or finding?

- (c) contravened any written law designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of financial services or the management of companies or against financial loss due to the conduct of discharged or undischarged bankrupts?
 - (d) had a receiver, or a receiver and manager, been appointed in respect of any of the assets of the applicant?
 - (e) entered into a compromise or arrangement with creditors or members?
 - (f) had a petition presented in a court for its winding up?
 - (g) been subject to any form of disciplinary proceedings or actions by any professional or regulatory body?
25. Has any director or the secretary of the licensee purchased or sold securities that are quoted on a stock exchange in Malaysia, whether directly or indirectly (which includes a purchase or sale through his own nominees for or on behalf of his relatives) for his own account or on behalf of his company during the twelve months immediately preceding the date of his application?

(Answer "Yes" or "No".)

(If "Yes", give details including the number and description of shares, debentures, participatory interest, rights and options, the price or other consideration for the transaction and the date of the agreement for the transaction):

26. Any additional information considered relevant to this application.

In accordance with subsection 16(2) of the Securities Industry Act 1983, the Commission may require further information in addition to that prescribed by this form.

We.....(director).....and.....
(secretary).....declare that all the information given in this application and in the attached annexures (if any) is true and correct.

Dated.....19.....

Signed
(Director) (Secretary)

DIRECTIONS FOR COMPLETING FORM 1

Definition and interpretation

1. (1) In these Directions:

"applicant" means a person making an application for a fund manager's licence;

"principal officer", in relation to a corporation, means—

- (a) a director of the corporation;
- (b) a secretary of the corporation; or
- (c) an officer who occupies or acts in a managerial position in the corporation;

"securities exchange" means a person that establishes, operates, or maintain a stock market, whether in Malaysia or elsewhere and includes a stock exchange; and

"clearing house facilities" means a facility by means of which a body corporate whose activities or objects include the provision of services for the clearing and settlement of transactions in securities effected on, or subject to the rules of, a securities exchange.

(2) If one corporation holds not less than 20% of the shares in another corporation, the two corporations are taken to be connected with each other.

Omission of inapplicable matter prefixed by an asterisk

2. Inapplicable matter in an application form that is prefixed by the symbol "*" is to be omitted.

Separate annexures to be used if insufficient space in form

3. If there is insufficient space in the application form to give the required information, the information is to be given in a separate annexure. (Refer to regulation 4 of the Securities Industry (Licensing of Fund Manager and Fund Manager's Representative) Regulations 1996.)

Documents and information to be attached

4. This application shall be accompanied by a report by the directors of the applicant as to whether after due enquiry by them in relation to the interval between the date to which the accounts have been made up and a date not earlier than 14 days before the date of the application—

- (a) the business of the applicant has, in their opinion, been satisfactorily maintained;
- (b) there have, in their opinion, arisen in any circumstances adversely affecting the applicant's trading or the value of the assets;
- (c) the current assets appear in the books at values which are believed to be realisable in the ordinary course of business;
- (d) there are any contingent liabilities by reason of any guarantees given by the applicant or any of its subsidiaries, or by any other reasons; and
- (e) there are, since the last annual report, any changes in published reserves or any unusual factors affecting the profit of the applicant or its subsidiaries.

Information required for the purposes of item 14 of the application

- 5. (a) type of business (indicate whether is an existing or proposed business);
- (b) place of business; and
- (c) profit or losses contribution of the business to the company for the past 3 years (for the business that has been up and running).

Certification of academic and professional certificates

6. (1) A copy of an academic or professional certificate attached to this application for the purposes of item 20(a) of this application shall be certified as a true copy by—

- (a) a Commissioner of Oaths; or
- (b) an advocate or solicitor.

(2) If a certificate referred to in subparagraph (1) is in a language that is neither the national language or the English language, there shall be attached to this application, in addition to a duly certified copy of the certificate, a translation that has been certified as a correct translation of the certificate by an Embassy or High Commission of a country of which the language is an official language.

Character references

7. For the purposes of item 20(c) of this application, a referee shall be a person—
- (a) with whom the chief executive or principal officer has had regular contact for the past 5 years;
 - (b) who has no interest in the success or otherwise of this application;
 - (c) who is not a relative of the chief executive or principal officer;
 - (d) who—
 - (i) is a government officer;
 - (ii) is a member of a professional body;
 - (iii) is a member of the academic staff of a university or other tertiary educational institution; or
 - (iv) occupies a managerial position in any body corporate; and
 - (e) of whom the Commission may enquire regarding the character and reputation of the chief executive or principal officer.

Information required for the purposes of item 23 of the application

8. (1) If the answer to item 23(a) of the application is "Yes", provide in an annexure the following information:
- (a) the name of the chief executive, officer or representative, if applicable;
 - (b) details of the charge;
 - (c) in the case of a conviction, the date of the conviction;
 - (d) the place of the trial, specifying the name of the court; and
 - (e) the case reference number.
- (2) If the answer to item 23(b) of the application is "Yes", provide in an annexure the following information:
- (a) the name of the chief executive, officer or representative, if applicable;
 - (b) the cause of action;
 - (c) the place of the proceedings, including the name of the court;
 - (d) the amount of the judgement;
 - (e) whether the judgement is unsatisfied; and
 - (f) the case reference number.
- (3) If the answer to item 23(c) of the application is "Yes", provide in an annexure the following information:
- (a) the name of the chief executive, officer or representative, if applicable;
 - (b) details of the contravention;
 - (c) in the case of a conviction, the date of the conviction;
 - (d) the place of the trial, specifying the name of the court; and
 - (e) the case reference number.
- (4) If the answer to—
- (a) item 23(d)(i) of the application is "Yes", provide in an annexure the following information:
 - (i) the date of the declaration of bankruptcy or date of entry into the composition or arrangement, if applicable;
 - (ii) whether the bankrupt has been discharged and the date of discharge, if applicable;

- (iii) the name of the court which made the declaration, if applicable; and
 - (iv) details of the composition or arrangement, if applicable; and
- (b) item 23(d)(ii) of the application is "Yes", provide in an annexure the following information:
- (i) the date of the appointment of the receiver, or receiver and manager, entry into the compromise or arrangement, resolution to wind-up the applicant, or filing of the petition to wind-up the applicant, as the case may be;
 - (ii) the name of the receiver, or receiver and manager, if applicable;
 - (iii) a description of the assets in respect of which a receiver, or a receiver and manager, has been appointed, if applicable;
 - (iv) whether the receiver, or receiver and manager, has been discharged, and if so, the date of discharge, if applicable;
 - (v) the name of the court appointing the receiver, or receiver and manager, approving the compromise or arrangement, or at which the petition was filed, if applicable;
 - (vi) whether the petition for winding-up is still pending, if applicable; and
 - (vii) the details of the compromise or arrangement, if applicable.

(5) If the answer to item 23(e) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the chief executive, officer or representative, if applicable;
- (b) the name of the professional or regulatory body;
- (c) the nature of the disciplinary proceedings or action; and
- (d) the date of the disciplinary proceedings or action.

Information required for the purposes of item 24 of the application

9. (1) If the answer to item 24(a) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the chief executive, officer or representative, if applicable;
- (b) details of the charge;
- (c) in the case of a conviction, the date of the conviction;
- (d) the place of the trial, specifying the name of the court; and
- (e) the case reference number.

(2) If the answer to item 24(b) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the chief executive, officer or representative, if applicable;
- (b) the cause of action;
- (c) the place of the proceedings, including the name of the court;
- (d) the amount of the judgement;
- (e) whether the judgement is unsatisfied; and
- (f) the case reference number.

(3) If the answer to item 24(c) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the chief executive, officer or representative, if applicable;
- (b) details of the contravention;

- (c) in the case of a conviction, the date of the conviction;
- (d) the place of the trial, specifying the name of the court; and
- (e) the case reference number.

(4) If the answer to item 24(d), (e) and (f) of the application is "Yes", provide in an annexure the following information:

- (i) the date of the appointment of the receiver, or receiver and manager, entry into the compromise or arrangement, resolution to wind-up the applicant, or filing of the petition to wind-up the applicant, as the case may be;
- (ii) the name of the receiver, or receiver and manager, if applicable;
- (iii) a description of the assets in respect of which a receiver, or a receiver and manager, has been appointed, if applicable;
- (iv) whether the receiver, or receiver and manager, has been discharged, and if so, the date of discharge, if applicable;
- (v) the name of the court appointing the receiver, or receiver and manager, approving the compromise or arrangement, or at which the petition was filed, if applicable;
- (vi) whether the petition for winding-up is still pending, if applicable; and
- (vii) the details of the compromise or arrangement, if applicable.

(5) If the answer to item 24(g) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the chief executive, officer or representative, if applicable;
- (b) the name of the professional or regulatory body;
- (c) the nature of the disciplinary proceedings or action; and
- (d) the date of the disciplinary proceedings or action.

Grounds for refusal to grant licence

10. The Commission may refuse to grant a licence on any ground specified in section 17 of the Securities Industry Act 1983.

False or misleading statements

11. In accordance with section 22 of the Securities Industry Act 1983, the penalty for an offence relating to false and misleading statements is a fine not exceeding 1 million ringgit or imprisonment for a term not exceeding 10 years or to both.

Form 2

SECURITIES INDUSTRY ACT 1983

(Section 16)

APPLICATION FOR RENEWAL OF FUNDS MANAGER'S LICENCE

Important: Before completing this application please read carefully the "Directions for completing Form 2" at the end of this form.

1. State—

- (a) the applicant's name;
- (b) registered office and telephone number;
- (c) principal place of business, telephone and facsimile number;

- (d) the date of expiry of the applicant's licence;
- (e) the licence number :
2. If since the last application or submission of information to the Securities Commission, the applicant, or any person associated with the applicant for the purposes of the applicant's proposed business, or a chief executive (as defined in section 2 of the Securities Industry Act 1983) or principal officer (as defined in paragraph 1 of the Directions) of the applicant, has become a director of any other corporation (wherever incorporated), specify in respect of each person—
- (a) the name of the associate or officer;
- (b) the name of the corporation;
- (c) nature of the business;
- (d) the place its incorporation; and
- (e) the date of the appointment as director.
3. If since the last application or submission of information to the Securities Commission, the applicant, or any person associated with the applicant for the purposes of the applicant's proposed business, or a chief executive or principal officer of the applicant has acquired, either directly or indirectly, 5% or more of the voting shares of any other corporation, specify in respect of each corporation—
- (a) the name of the corporation;
- (b) the place of its incorporation; and
- (c) the details of the ownership.

Complete items 4 to 6 only if the applicant is a corporation

4. Since the last application or submission of information to the Securities Commission, has there been any change in the authorised, issued and paid-up capital of the applicant?.....
- (Answer "Yes" or "No".)
- If "Yes", specify the details of the change (e.g. types, number, par value and issue price and date of change):
5. Since the last application or submission of information to the Securities Commission, has there been any change in the shareholding of the applicant?.....
- (Answer "Yes" or "No".)
- If "Yes", specify the details of shareholders of the applicant, including the name (state whether Malaysian or foreign), old and new identity card numbers and place of issue (in the case of an individual who is a Malaysian national), passport number and place of issue (in the case of an individual), registration number and place of incorporation (in the case of a company), address (registered and business address in the case of a company), number and percentage of shares held and date of acquisition of shares:
6. Since the last application or submission of information to the Securities Commission, has there been any change in the chief executive or principal officer of the applicant?.....
- (Answer "Yes" or "No".)
- If "Yes", specify in respect of each new chief executive or principal officer of the applicant—
- (a) the name of the person (including previous name);
- (b) his nationality;

- (c) (i) in the case of a Malaysian national, his old and new identity card numbers and place of issue, and passport number and place of issue;
- (ii) in any other case, his passport number and place of issue;
- (d) his residential address;
- (e) his date of birth;
- (f) the office held by him; and
- (g) the date of his appointment.

7. Since the last application or submission of information to the Securities Commission, has the applicant undertaken a business activity that is materially different from that conducted by the applicant at the time of that application or disclosed by the applicant in the application?.....

(Answer "Yes" or "No".)

If "Yes", specify the details of the business activity:

8. Since the last application or submission of information to the Securities Commission, has the nature of the funds which the applicant proposes to manage is materially different from that conducted by the applicant at the time of that application or disclosed by the applicant in the application?.....

(Answer "Yes" or "No".)

If "Yes", specify the details of the nature of the funds (eg. type of funds for investment)

9. Since the last application or submission of information to the Securities Commission, has the applicant or its chief executive, any of the officers or representatives of the applicant, in Malaysia or elsewhere, applied to be licensed or registered, or be given authority, in any capacity which is required by any law or regulations?.....

(Answer "Yes" or "No".)

If "Yes", specify in the following table details of any application:

(a) Name of the chief executive, officer or representative (if applicable):			
(b) Nature of the licence, registration or authority:			
(c) Country in which the application was made:			
(d) Date of the application and approval (if applicable):			
(e) Was the application withdrawn, approved or rejected?			
(f) If "withdrawn" or "rejected", state reasons, if known. If "approved", complete subitems (g)-(l).			

(g) Were there conditions or restrictions attached to the licence, registration or authority?	*Yes/*No	*Yes/*No	*Yes/*No
(h) If "yes", state the details of the conditions or restrictions.			
(i) At any time after the approval, has the applicant, its chief executive, any of its officers or representatives been censured, fined, disciplined, or had the licence, registration or authority been suspended, revoked or being denied renewal?	*Yes/*No	*Yes/*No	*Yes/*No
(j) If "yes", state all relevant details of the censure, fine, disciplinary action, suspension, revocation or denial.			
(k) Date of surrender of licence or deregistration (if applicable):			
(l) Reasons for surrender or deregistration (if applicable):			

10. Since the last application or submission of information to the Securities Commission, has the applicant, its chief executive, any of the officers or representatives of the applicant, in Malaysia or elsewhere, applied to be a member of a securities exchange (as defined in paragraph 1 of the Directions), or a body corporate that provides clearing house facilities (as defined in paragraph 1 of the Directions) ?.....

(Answer "Yes" or "No".)

If "Yes", specify in the following table details of any membership:

(a) Name of the chief executive, officer or representative (if applicable):			
(b) Name of securities exchange, or body corporate:			
(c) Was the application withdrawn, approved or rejected?			
(d) If "withdrawn" or "rejected", state reasons, if known. If "approved", complete subitems (e)-(i).			

(e) Period of membership (give exact dates):			
(f) Were there conditions or restrictions attached to the membership?	*Yes/*No	*Yes/*No	*Yes/*No
(g) If "yes", state the details of the conditions or restrictions.			
(h) During the period of membership, has the applicant, its chief executive, any of its officers or representatives been censured, fined, disciplined, suspended, expelled or had the membership been denied renewal?	*Yes/*No	*Yes/*No	*Yes/*No
(i) If "yes", state all relevant details of the censure, fine, disciplinary action, suspension, expulsion or denial.			

11. (Answer "Yes" or "No". If "Yes", see paragraph 5 of the Directions.)

Since the last application or submission of information to the Securities Commission, has the applicant, or any person associated with the applicant for the purposes of the applicant's business, its chief executive, any of the officers or representatives of the applicant, within the past 10 years in Malaysia or elsewhere—

Answer

- (a) been convicted of any offence, or are there any proceedings now pending which may lead to such a conviction of any offence involving fraud or other dishonesty, or violence?
- (b) had judgment involving findings of fraud or other dishonesty, or violence, misrepresentation, dishonesty, breach of contract, breach of fiduciary duty or professional negligence given against him or it, as the case may be, in any civil proceedings, or are there any proceedings now pending that may lead to such a judgement or finding?
- (c) contravened any written law designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of financial services or the management of companies or against financial loss due to the conduct of discharged or undischarged bankrupts?
- (d) (i) in the case of a chief executive, an officer or representative, been declared a bankrupt or entered into a composition or arrangement with creditors?

(ii) in the case of the applicant—

- (A) had a receiver, or a receiver and manager, been appointed in respect of any of the assets of the applicant?
- (B) entered into a compromise or arrangement with creditors or members?
- (C) had a petition presented in a court for its winding up?

(e) been subject to any form of disciplinary proceedings or actions by any professional or regulatory body?

12. (Answer "Yes" or "No". If "Yes", see paragraph 6 of the Directions.)

Since the last application or or submission of information to the Securities Commission, has the chief executive , any officer or any representative, of the applicant, been involved in the management of a corporation within the past 10 years in Malaysia or elsewhere which at the time of his involvement—

Answer

- (a) been convicted of any offence, or are there any proceedings now pending which may lead to such a conviction of any offence involving fraud or other dishonesty, or violence?
- (b) had judgment involving findings of fraud or other dishonesty, or violence, misrepresentation, dishonesty, breach of contract, breach of fiduciary duty or professional negligence given against him or it, as the case may be, in any civil proceedings, or are there any proceedings now pending that may lead to such a judgement or finding?
- (c) contravened any written law designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of financial services or the management of companies or against financial loss due to the conduct of discharged or undischarged bankrupts?
- (d) had a receiver, or a receiver and manager, been appointed in respect of any of the assets of the applicant?
- (e) entered into a compromise or arrangement with creditors or members?
- (f) had a petition presented in a court for its winding up?
- (g) been subject to any form of disciplinary proceedings or actions by any professional or regulatory body?

13. Has any director or the secretary of the licensee purchased or sold securities that are quoted on a stock exchange in Malaysia, whether directly or indirectly (which includes a purchase or sale through his own nominees for or on behalf of his relatives) for his own account or on behalf of his company during the twelve months immediately preceding the date of his application?

(Answer "Yes" or "No".)

(If "Yes", give details including the number and description of shares, debentures, participatory interest, rights and options, the price or other consideration for the transaction and the date of the agreement for the transaction):

Omission of inapplicable matter prefixed by an asterisk

2. Inapplicable matter in an application form that is prefixed by the symbol "*" is to be omitted.

Separate annexures to be used if insufficient space on forms

3. If there is insufficient space in the application form to give the required information, the information is to be given in a separate annexure. (Refer to regulation 4 of the Securities Industry (Licensing of Fund Manager and Fund Manager's Representative) Regulations 1996.)

Documents and information to be attached

4. In the case of an applicant corporation, this application must be accompanied by a report by the directors of the applicant as to whether, after due enquiry by them in relation to the interval between the date to which the accounts have been made up and a date not earlier than 14 days before the date of the application—

- (a) the business of the applicant has, in their opinion, been satisfactorily maintained;
- (b) there have, in their opinion, arisen in any circumstances adversely affecting the applicant's trading or the value of the assets;
- (c) the current assets appear in the books at values which are believed to be realisable in the ordinary course of business;
- (d) there are any contingent liabilities by reason of any guarantees given by the applicant or any of its subsidiaries, or by any other reasons; and
- (e) there are, since the last annual report, any changes in published reserves or any unusual factors affecting the profit of the applicant or its subsidiaries.

Information required for the purposes of item 11 of the application

5. (1) If the answer to item 11(a) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the chief executive, officer or representative, if applicable;
- (b) details of the charge;
- (c) in the case of a conviction, the date of the conviction;
- (d) the place of the trial, specifying the name of the court; and
- (e) the case reference number.

- (2) If the answer to item 11(b) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the chief executive, officer or representative, if applicable;
- (b) the cause of action;
- (c) the place of the proceedings, including the name of the court;
- (d) the amount of the judgement;
- (e) whether the judgement is unsatisfied; and
- (f) the case reference number.

- (3) If the answer to item 11(c) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the chief executive, officer or representative, if applicable;
- (b) details of the contravention;

- (c) in the case of a conviction, the date of the conviction;
 - (d) the place of the trial, specifying the name of the court; and
 - (e) the case reference number.
- (4) If the answer to—
- (a) item 11(d)(i) of the application is "Yes", provide in an annexure the following information:
 - (i) the date of the declaration of bankruptcy or date of entry into the composition or arrangement, if applicable;
 - (ii) whether the bankrupt has been discharged and the date of discharge, if applicable;
 - (iii) the name of the court which made the declaration, if applicable; and
 - (iv) details of the composition or arrangement, if applicable; and
 - (b) item 11(d)(ii) of the application is "Yes", provide in an annexure the following information:
 - (i) the date of the appointment of the receiver, or receiver and manager, entry into the compromise or arrangement, resolution to wind-up the applicant, or filing of the petition to wind-up the applicant, as the case may be;
 - (ii) the name of the receiver, or receiver and manager, if applicable;
 - (iii) a description of the assets in respect of which a receiver, or a receiver and manager, has been appointed, if applicable;
 - (iv) whether the receiver, or receiver and manager, has been discharged, and if so, the date of discharge, if applicable;
 - (v) the name of the court appointing the receiver, or receiver and manager, approving the compromise or arrangement, or at which the petition was filed, if applicable;
 - (vi) whether the petition for winding-up is still pending, if applicable; and
 - (vii) the details of the compromise or arrangement, if applicable.
- (5) If the answer to item 11(e) of the application is "Yes", provide in an annexure the following information:
- (a) the name of the chief executive, officer or representative, if applicable;
 - (b) the name of the professional or regulatory body;
 - (c) the nature of the disciplinary proceedings or action; and
 - (d) the date of the disciplinary proceedings or action.

Information required for the purposes of item 12 of the application

6. (1) If the answer to item 12(a) of the application is "Yes", provide in an annexure the following information:
- (a) the name of the chief executive, officer or representative, if applicable;
 - (b) details of the charge;
 - (c) in the case of a conviction, the date of the conviction;
 - (d) the place of the trial, specifying the name of the court; and
 - (e) the case reference number.

(2) If the answer to item 12(b) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the chief executive, officer or representative, if applicable;
- (b) the cause of action;
- (c) the place of the proceedings, including the name of the court;
- (d) the amount of the judgement;
- (e) whether the judgement is unsatisfied; and
- (f) the case reference number.

(3) If the answer to item 12(c) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the chief executive, officer or representative, if applicable;
- (b) details of the contravention;
- (c) in the case of a conviction, the date of the conviction;
- (d) the place of the trial, specifying the name of the court; and
- (e) the case reference number.

(4) If the answer to item 12(d), (e) and (f) of the application is "Yes", provide in an annexure the following information:

- (i) the date of the appointment of the receiver, or receiver and manager, entry into the compromise or arrangement, resolution to wind-up the applicant, or filing of the petition to wind-up the applicant, as the case may be;
- (ii) the name of the receiver, or receiver and manager, if applicable;
- (iii) a description of the assets in respect of which a receiver, or a receiver and manager, has been appointed, if applicable;
- (iv) whether the receiver, or receiver and manager, has been discharged, and if so, the date of discharge, if applicable;
- (v) the name of the court appointing the receiver, or receiver and manager, approving the compromise or arrangement, or at which the petition was filed, if applicable;
- (vi) whether the petition for winding-up is still pending, if applicable; and
- (vii) the details of the compromise or arrangement, if applicable.

(5) If the answer to item 12(g) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the chief executive, officer or representative, if applicable;
- (b) the name of the professional or regulatory body;
- (c) the nature of the disciplinary proceedings or action; and
- (d) the date of the disciplinary proceedings or action.

Grounds for refusal to renew licence

7. The Commission may refuse to grant a licence on any ground specified in section 17 of the Securities Industry Act 1983.

False or misleading statements

8. In accordance with section 22 of the Securities Industry Act 1983, the penalty for an offence relating to false and misleading statements is a fine not exceeding 1 million ringgit or imprisonment for a term not exceeding 10 years or to both.

Form 3

LICENCE NO.

SECURITIES INDUSTRY ACT 1983

(Section 15A)

FUND MANAGER'S LICENCE

.....
of.....
is licensed under the Securities Industry Act 1983, as a fund manager subject to the following conditions:

.....
.....
.....

Unless previously cancelled, this licence will remain in force until the day of19.....

Given under my hand and seal, atthis
.....day of19.....

(SEAL)

.....
*Chairman,
Securities Commission*

Form 4

SECURITIES INDUSTRY ACT 1983

(Section 15B)

APPLICATION FOR FUND MANAGER'S REPRESENTATIVE'S LICENCE

Important: Before completing this application, please read carefully the "Directions for completing Form 4" at the end of this form.

Attach
photograph
here

1. Particulars of the person making this application (the "applicant")—

(a)	Applicant's name:	Other names:
(b)	Residential address:	Telephone No.:
(c)	Date of birth:	Place of birth:
(d)	Nationality:	Identity card number: Old: Place of issue: New: Place of issue: Passport number: Place of issue:

(e)	Name of spouse(s):	Identity card number: Old: Place of issue: New: Place of issue: Passport number: Place of issue:
(f)	Occupation of spouse(s):	Name and address of employer:

2. Present occupation:.....
3. If the applicant is a director of any other corporation (wherever incorporated), specify in respect of each such corporation—
 - (a) the name of the corporation;
 - (b) nature of the business;
 - (c) the place of its incorporation;
 - (d) the date of the appointment as director; and
 - (e) nature of appointment (executive or non-executive).
4. If the applicant owns, either directly or indirectly, 5% or more of the voting shares of any other corporation, specify in respect of each corporation—
 - (a) the name of the corporation;
 - (b) nature of the business;
 - (c) the place of its incorporation;
 - (d) the details of the ownership; and
 - (e) paid up capital of the corporation.
5. Specify in respect of the fund manager of whom the applicant proposes to be a representative—

(a) the full name of that fund manager:	
(b) the full address at which the business of that fund manager is, or is to be, carried on:	Tel. no.: Fax no.:
(c) the nature of the arrangement (see paragraph 5 of the Directions) that that fund manager has or proposes to have with the applicant:	

6. Specify the proposed designation of the applicant in the business carried on by the person of whom the applicant proposes to be a representative and provide details of the applicant's proposed duties as such representative:
7. Has the applicant had any experience in performing the functions relevant to the type of licence applied for?.....
 (Answer "Yes" or "No".)
 If "Yes", state the details of that experience:

8. Specify—

- (a) the academic and professional qualifications of the applicant and attach copies of any certificates (See paragraph 6 of the Directions.);
- (b) in the following table, details of previous and current employment and business activities, indicating in columns (1) and (2) the words "self-employed" for any period of self-employment:

<i>Name and address of employer (if self-employed, so state)</i> (1)	<i>Nature of business of employer</i> (2)	<i>Description of duties in relation to the employment or activity</i> (3)	<i>Period of employment or activity (give exact dates)</i> (4)

- (c) the names, business and residential addresses and telephone numbers of two referees. (See paragraph 7 of the Directions.)

9. Has the applicant, within the last 10 years, in Malaysia or elsewhere, applied to be licensed or registered, or to be given authority, in any capacity which is required by any law or regulations?.....

(Answer "Yes" or "No".)

If "Yes", specify in the following table details of any application:

(a) Nature of the licence, registration or authority:			
(b) Country in which the application was made:			
(c) Date of the application and approval (if applicable):			
(d) Was the application withdrawn, approved or rejected?			
(e) If "withdrawn" or "rejected", state reasons, if known. If "approved", complete subitems (f)-(k).			

(f) Were there conditions or restrictions attached to the licence, registration or authority?	*Yes/*No	*Yes/*No	*Yes/*No
(g) If "yes", state the details of the conditions or restrictions.			
(h) At any time after the approval, has the applicant been censured, fined, disciplined, or had the licence, registration or authority been suspended, revoked or been denied renewal?	*Yes/*No	*Yes/*No	*Yes/*No
(i) If "yes", state all relevant details of the censure, fine, disciplinary action, suspension, revocation or denial.			
(j) Date of surrender of licence or deregistration (if applicable):			
(k) Reasons for surrender or deregistration (if applicable):			

10. Has the applicant, within the last 10 years, in Malaysia or elsewhere, applied to be a member of a securities exchange (as defined in paragraph 1 of the Directions), or a body corporate that provides clearing house facilities (as defined in paragraph 1 of the Directions)?.....

(Answer "Yes" or "No".)

If "Yes", specify in the following table details of any membership:

(a) Name of securities exchange, or body corporate:			
(b) Was the application withdrawn, approved or rejected?			

(c) If "withdrawn" or "rejected", state reasons, if known. If "approved", complete subitems (d)-(h).			
(d) Period of membership (give exact dates):			
(e) Were there conditions or restrictions attached to the membership?	*Yes/*No	*Yes/*No	*Yes/*No
(f) If "yes", state the details of the conditions or restrictions			
(g) During the period of membership, have you been censured, fined, disciplined, suspended, expelled or had the membership being denied renewal?	*Yes/*No	*Yes/*No	*Yes/*No
(h) If "yes", state all relevant details of the censure, fine, disciplinary action, suspension, expulsion or denial.			

11. (Answer "Yes" or "No". If "Yes", see paragraph 8 of the Directions.)

Has the applicant within the last 10 years in Malaysia or elsewhere—

Answer

- (a) been convicted of any offence, or are there any proceedings now pending which may lead to such a conviction of any offence involving fraud or other dishonesty, or violence?
- (b) had judgment involving findings of fraud or other dishonesty, or violence, misrepresentation, dishonesty, breach of contract, breach of fiduciary duty or professional negligence given against him or it, as the case may be, in any civil proceedings, or are there any proceedings now pending that may lead to such a judgement or finding?
- (c) contravened any written law designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of financial services or the management of companies or against financial loss due to the conduct of discharged or undischarged bankrupts?

- (d) been declared a bankrupt or entered into a composition or arrangement with creditors?
- (e) been subject to any form of disciplinary proceedings or actions by any professional or regulatory body?

12. (Answer "Yes" or "No". If "Yes", see paragraph 9 of the Directions.)
 Has the applicant, been involved in the management of a corporation within the past 10 years in Malaysia or elsewhere which at the time of his involvement—

Answer

- (a) been convicted of any offence, or are there any proceedings now pending which may lead to such a conviction of any offence involving fraud or other dishonesty, or violence?
- (b) had judgment involving findings of fraud or other dishonesty, or violence, misrepresentation, dishonesty, breach of contract, breach of fiduciary duty or professional negligence given against him or it, as the case may be, in any civil proceedings, or are there any proceedings now pending that may lead to such a judgement or finding?
- (c) contravened any written law designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of financial services or the management of companies or against financial loss due to the conduct of discharged or undischarged bankrupts?
- (d) been declared a bankrupt or entered into a composition or arrangement with creditors?
- (e) been subject to any form of disciplinary proceedings or actions by any professional or regulatory body?

13. Has the applicant purchased or sold securities that are quoted on a stock exchange in Malaysia, whether directly or indirectly (which includes a purchase or sale through his own nominees for or on behalf of his relatives) for his own account during the twelve months immediately preceding the date of his application?

(Answer "Yes" or "No".)

If "Yes", give details including the number and description of shares, debentures, participatory interest, rights and options, the price or other consideration for the transaction and the date of the agreement for the transaction):

14. Any additional information considered relevant to this application:

In accordance with subsection 16(2) of the Securities Industry Act 1983, the Commission may require further information in addition to that prescribed by this form.

I declare that all information given in this application and annexures is true and correct.

Dated 19.....

Signature:

.....
(Name of Applicant)

DIRECTIONS FOR COMPLETING FORM 4

Definition

1. In these Directions:

“applicant” means a person making an application for a fund manager’s representative’s licence;

“securities exchange” means a person that establishes, operates, or maintain a stock market, whether in Malaysia or elsewhere and includes a stock exchange; and

“clearing house facilities” means a facility by means of which a body corporate whose activities or objects include the provision of services for the clearing and settlement of transactions in securities effected on, or subject to the rules of, a securities exchange.

Omission of inapplicable matter prefixed by an asterisk

2. Inapplicable matter in an application form that is prefixed by the symbol “*” is to be omitted.

Separate annexures to be used if insufficient space in form

3. If there is insufficient space in the application form to give the required information, the information is to be given in a separate annexure. (Refer to regulation 4 of the Securities Industry (Licensing of Fund Manager and Fund Manager’s Representative) Regulations 1996.)

Certificate to be attached

4. This application shall be accompanied by a certificate in or to the effect of the following form, to be completed by a director and secretary of the person of whom the applicant person proposes to be a representative:

“CERTIFICATE

To the Securities Commission

On the basis of due and diligent enquiry made of the background of the applicant named in this form who is acting for me or on my behalf, and other information available, *I/we believe him to be of good character and reputation and to have the competence and experience to perform the functions of a representative.

Dated 19.....

Signature:
Director *Secretary*

Full name of signatory:
Director *Secretary”*.

Information required for the purposes of item 5(c) of the application

5. For the purposes of item 5(c) of the application, information relating to the nature of the arrangement shall include—

- (a) whether it is proposed that the applicant be employed by, acts as an agent for, or otherwise acts by arrangement with, the person of whom the applicant proposes to be a representative; and
- (b) the type of remuneration or other consideration that the applicant will receive as a representative.

Certification of academic and professional certificates

6. (1) A copy of an academic or professional certificate attached to this application for the purposes of item 8(a) of this application shall be certified as a true copy by—

- (a) a Commissioner of Oaths; or
- (b) an advocate or solicitor.

(2) If a certificate referred to in subparagraph (1) is in a language that is neither the national language or the English language, there shall be attached to this application, in addition to a duly certified copy of the certificate, a translation that has been certified as a correct translation of the certificate by an Embassy or High Commission of a country of which the language is an official language.

Character references

7. For the purposes of item 8(c) of this application, a referee shall be a person—

- (a) with whom the applicant has had regular contact for the past 5 years;
- (b) who has no interest in the success or otherwise of this application;
- (c) who is not a relative of the applicant;
- (d) who—
 - (i) is a government officer;
 - (ii) is a member of a professional body;
 - (iii) is a member of the academic staff of a university or other tertiary educational institution; or
 - (iv) occupies a managerial position in any body corporate; and
- (e) of whom the Commission may enquire regarding the character and reputation of the applicant.

Information required for the purposes of item 11 of the application

8. (1) If the answer to item 11(a) of the application is "Yes", provide in an annexure the following information:

- (a) details of the charge;
- (b) in the case of a conviction, the date of the conviction;
- (c) the place of the trial, specifying the name of the court; and
- (d) the case reference number.

(2) If the answer to item 11(b) of the application is "Yes", provide in an annexure the following information:

- (a) the cause of action;
- (b) the place of the proceedings, including the name of the court;
- (c) the amount of the judgement;
- (d) whether the judgement is unsatisfied; and
- (e) the case reference number.

(3) If the answer to item 11(c) of the application is "Yes", provide in an annexure the following information:

- (a) details of the contravention;
- (b) in the case of a conviction, the date of the conviction;
- (c) the place of the trial, specifying the name of the court; and
- (d) the case reference number.

(4) If the answer to item 11(d) of the application is "Yes", provide in an annexure the following information:

- (a) the date of the declaration of bankruptcy, date of entry into the composition or arrangement;
- (b) whether the bankrupt has been discharged and the date of discharge, if applicable;
- (c) the name of the court which made the declaration, if applicable; and
- (d) details of the composition or arrangement, if applicable.

(5) If the answer to item 11(e) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the professional or regulatory body;
- (b) the nature of the disciplinary proceedings or action; and
- (c) the date of the disciplinary proceedings or action.

Information required for the purposes of item 12 of the application

9. (1) If the answer to item 12(a) of the application is "Yes", provide in an annexure the following information:

- (a) details of the charge;
- (b) in the case of a conviction, the date of the conviction;
- (c) the place of the trial, specifying the name of the court; and
- (d) the case reference number.

(2) If the answer to item 12(b) of the application is "Yes", provide in an annexure the following information:

- (a) the cause of action;
- (b) the place of the proceedings, including the name of the court;
- (c) the amount of the judgement;
- (d) whether the judgement is unsatisfied; and
- (e) the case reference number.

(3) If the answer to item 12(c) of the application is "Yes", provide in an annexure the following information:

- (a) details of the contravention;
- (b) in the case of a conviction, the date of the conviction;
- (c) the place of the trial, specifying the name of the court; and
- (d) the case reference number.

(4) If the answer to item 12(d) of the application is "Yes", provide in an annexure the following information:

- (a) the date of the declaration of bankruptcy, date of entry into the composition or arrangement;
- (b) whether the bankrupt has been discharged and the date of discharge, if applicable;
- (c) the name of the court which made the declaration, if applicable; and
- (d) details of the composition or arrangement, if applicable.

(5) If the answer to item 12(e) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the professional or regulatory body;
- (b) the nature of the disciplinary proceedings or action; and
- (c) the date of the disciplinary proceedings or action.

Grounds for refusal to grant licence

10. The Commission may refuse to grant a licence on any ground specified in section 17 of the Securities Industry Act 1983.

False or misleading statements

11. In accordance with section 22 of the Securities Industry Act 1983, the penalty for an offence relating to false or misleading statements is a fine not exceeding 1 million ringgit or imprisonment for a term not exceeding 10 years or to both.

Form 5

SECURITIES INDUSTRY ACT 1983

(Section 16)

**APPLICATION FOR RENEWAL OF FUND MANAGER'S
REPRESENTATIVE'S LICENCE**

Important: Before completing this application please read carefully the "Directions for completing Form 5" at the end of this form.

1. State—

- (a) the applicant's name;
- (b) residential address and telephone number;
- (c) name of principal;
- (d) registered office, telephone and facsimile number;
- (e) principal place of business, telephone and facsimile number;
- (f) the date of expiry of the applicant's licence;
- (g) the licence number.

2. If since the last application or submission of information to the Securities Commission, the applicant has become a director of any other corporation (wherever incorporated), specify in respect of each such corporation—

- (a) the name of the corporation;
- (b) nature of the business;
- (c) the place of its incorporation;
- (d) the date of appointment; and
- (e) nature of appointment (executive or non-executive).

3. If since the last application or submission of information to the Securities Commission, the applicant has acquired, either directly or indirectly, 5% or more of the voting shares of any other corporation, specify in respect of each corporation—

- (a) the name of the corporation;
- (b) the place of its incorporation;

- (c) the details of the ownership; and
- (d) paid up capital of the corporation.

4. Since the last application or submission of information to the Securities Commission, has the applicant, in Malaysia or elsewhere, applied to be licensed or registered, or be given authority, in any capacity which is required by any law or regulations?.....

(Answer "Yes" or "No".)

If "Yes", specify in the following table details of any application:

(a) Nature of the licence, registration or authority:			
(b) Country in which the application was made:			
(c) Date of the application and approval (if applicable):			
(d) Was the application withdrawn, approved or rejected?			
(e) If "withdrawn" or "rejected", state reasons, if known. If "approved", complete subitems (f)-(k).			
(f) Were there conditions or restrictions attached to the licence, registration or authority?	*Yes/*No	*Yes/*No	*Yes/*No
(g) If "yes", state the details of the conditions or restrictions.			
(h) At any time after the approval, has the applicant been censured, fined, disciplined, or had the licence, registration or authority suspended, revoked or being denied renewal?	*Yes/*No	*Yes/*No	*Yes/*No
(i) If "yes", state all relevant details of the censure, fine, disciplinary action, suspension, revocation or denial.			
(j) Date of surrender of licence or deregistration (if applicable):			
(k) Reasons for surrender or deregistration (if applicable):			

5. Since the last application or submission of information to the Securities Commission, has the applicant, in Malaysia or elsewhere, applied to be a member of a securities exchange (as defined in paragraph 1 of the Directions), or a body corporate that provides clearing house facilities (as defined in paragraph 1 of the Directions)?.....

(Answer "Yes" or "No".)

If "Yes", specify in the following table details of any membership:

(a) Name of securities exchange, or body corporate:			
(b) Was the application withdrawn, approved or rejected?			
(c) If "withdrawn" or "rejected", state reasons, if known. If "approved", complete subitems (d)-(h).			
(d) Period of membership (give exact dates):			
(e) Were there conditions or restrictions attached to the membership?	*Yes/*No	*Yes/*No	*Yes/*No
(f) If "yes", state the details of the conditions or restrictions			
(g) During the period of membership, has the applicant been censured, fined, disciplined, suspended, expelled or had the membership been denied renewal?	*Yes/*No	*Yes/*No	*Yes/*No
(h) If "yes", state all relevant details of the censure, fine, disciplinary action, suspension, expulsion or denial.			

6. (Answer "Yes" or "No". If "Yes", see paragraph 5 of the Directions.)

Since the last application or submission of information to the Securities Commission, has the applicant, in Malaysia or elsewhere—

Answer

(a) been convicted of any offence, or are there any proceedings now pending which may lead to such a conviction of any offence involving fraud or other dishonesty, or violence?

.....

- (b) had judgment involving findings of fraud or other dishonesty, or violence, misrepresentation, dishonesty, breach of contract, breach of fiduciary duty or professional negligence given against him or it, as the case may be, in any civil proceedings, or are there any proceedings now pending that may lead to such a judgement or finding?
- (c) contravened any written law designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of financial services or the management of companies or against financial loss due to the conduct of discharged or undischarged bankrupts?
- (d) been declared a bankrupt or entered into a composition or arrangement with creditors?
- (e) been subject to any form of disciplinary proceedings or actions by any professional or regulatory body?

7. (Answer "Yes" or "No". If "Yes", see paragraph 6 of the Directions.)
 Since the last application or submission of information to the Securities Commission, has the applicant, been involved in the management of a corporation within the past 10 years in Malaysia or elsewhere which at the time of his involvement—

Answer

- (a) been convicted of any offence, or are there any proceedings now pending which may lead to such a conviction of any offence involving fraud or other dishonesty, or violence?
- (b) had judgment involving findings of fraud or other dishonesty, or violence, misrepresentation, dishonesty, breach of contract, breach of fiduciary duty or professional negligence given against him or it, as the case may be, in any civil proceedings, or are there any proceedings now pending that may lead to such a judgement or finding?
- (c) contravened any written law designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of financial services or the management of companies or against financial loss due to the conduct of discharged or undischarged bankrupts?
- (d) been declared a bankrupt or entered into a composition or arrangement with creditors?
- (e) been subject to any form of disciplinary proceedings or actions by any professional or regulatory body?

- 8. Has the applicant purchased or sold securities that are quoted on a stock exchange in Malaysia, whether directly or indirectly (which includes a purchase or sale through his own nominees for or on behalf of his relatives) for his own account or on behalf of his company during the twelve months immediately preceding the date of his application?

(Answer "Yes" or "No".)

(If "Yes", give details including the number and description of shares, debentures, participatory interest, rights and options, the price or other consideration for the transaction and the date of the agreement for the transaction);

In accordance with subsection 16(2) of the Securities Industry Act 1983, the Commission may require further information in addition to that prescribed by this form.

I declare that all information given in this application and annexures (if any) is true and correct.

Dated this day of 19.....

Signature:

.....
(Name of Applicant)

DIRECTIONS FOR COMPLETING FORM 5

Definition

- 1. In these Directions:

"applicant" means a person making an application for a fund manager's representative's licence;

"securities exchange" means a person that establishes, operates, or maintain a stock market, whether in Malaysia or elsewhere and includes a stock exchange; and

"clearing house facilities" means a facility by means of which a body corporate whose activities or objects include the provision of services for the clearing and settlement of transactions in securities effected on, or subject to the rules of, a securities exchange.

Omission of inapplicable matter prefixed by an asterisk

- 2. Inapplicable matter in an application form that is prefixed by the symbol "*" is to be omitted.

Separate annexures to be used if insufficient space on forms

- 3. If there is insufficient space in the application form to give the required information, the information is to be given in a separate annexure. (Refer to regulation 4 of the Securities Industry (Licensing of Fund Manager and Fund Manager's Representative) Regulations 1996.)

Certificate to be attached

- 4. This application must be accompanied by a certificate in or to the effect of the following form, to be completed by a director and secretary of the person of whom the applicant is a representative:

"CERTIFICATE

To the Securities Commission

On the basis of due and diligent enquiry made of the background of the applicant named in this form who is acting for me or on my behalf, and other information available, I/we believe him to be of good character and reputation and to have the competence and experience to perform the functions of a representative.

Dated thisday of 19.....

"Signature:
Director Secretary

Full name of signatory:
Director Secretary".

Information required for the purposes of item 6 of the application

5. (1) If the answer to item 6(a) of the application is "Yes", provide in an annexure the following information:

- (a) details of the charge;
- (b) in the case of a conviction, the date of the conviction;
- (c) the place of the trial, specifying the name of the court; and
- (d) the case reference number.

(2) If the answer to item 6(b) of the application is "Yes", provide in an annexure the following information:

- (a) the cause of action;
- (b) the place of the proceedings, including the name of the court;
- (c) the amount of the judgement;
- (d) whether the judgement is unsatisfied; and
- (e) the case reference number.

(3) If the answer to item 6(c) of the application is "Yes", provide in an annexure the following information:

- (a) details of the contravention;
- (b) in the case of a conviction, the date of the conviction;
- (c) the place of the trial, specifying the name of the court; and
- (d) the case reference number.

(4) If the answer to item 6(d) of the application is "Yes", provide in an annexure the following information:

- (a) the date of the declaration of bankruptcy, date of entry into the composition or arrangement;
- (b) whether the bankrupt has been discharged and the date of discharge, if applicable;
- (c) the name of the court which made the declaration, if applicable; and
- (d) details of the composition or arrangement, if applicable.

(5) If the answer to item 6(e) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the professional or regulatory body;
- (b) the nature of the disciplinary proceedings or action; and
- (c) the date of the disciplinary proceedings or action.

Information required for the purposes of item 7 of the application

6. (1) If the answer to item 7(a) of the application is "Yes", provide in an annexure the following information:

- (a) details of the charge;
- (b) in the case of a conviction, the date of the conviction;
- (c) the place of the trial, specifying the name of the court; and
- (d) the case reference number.

(2) If the answer to item 7(b) of the application is "Yes", provide in an annexure the following information:

- (a) the cause of action;
- (b) the place of the proceedings, including the name of the court;
- (c) the amount of the judgement;
- (d) whether the judgement is unsatisfied; and
- (e) the case reference number.

(3) If the answer to item 7(c) of the application is "Yes", provide in an annexure the following information:

- (a) details of the contravention;
- (b) in the case of a conviction, the date of the conviction;
- (c) the place of the trial, specifying the name of the court; and
- (d) the case reference number.

(4) If the answer to item 7(d) of the application is "Yes", provide in an annexure the following information:

- (a) the date of the declaration of bankruptcy, date of entry into the composition or arrangement;
- (b) whether the bankrupt has been discharged and the date of discharge, if applicable;
- (c) the name of the court which made the declaration, if applicable; and
- (d) details of the composition or arrangement, if applicable.

(5) If the answer to item 7(e) of the application is "Yes", provide in an annexure the following information:

- (a) the name of the professional or regulatory body;
- (b) the nature of the disciplinary proceedings or action; and
- (c) the date of the disciplinary proceedings or action.

Grounds for refusal to grant licence

7. The Commission may refuse to grant a licence on any ground specified in section 17 of the Securities Industry Act 1983.

False or misleading statements

8. In accordance with section 22 of the Securities Industry Act 1983, the penalty for an offence relating to false and misleading statements is a fine not exceeding 1 million ringgit or imprisonment for a term not exceeding 10 years or to both.

Form 6

LICENCE No.

SECURITIES INDUSTRY ACT 1983

(Section 15B)

FUND MANAGER'S REPRESENTATIVE'S LICENCE

.....
of
is licensed under the Securities Industry Act 1983, as a fund manager's representative
ofsubject to the following conditions:
.....
.....
.....

Unless previously cancelled, this licence will remain in force until the day of
.....19.....
Given under my hand and seal, at this
.....day of19.....

(SEAL)

.....
Chairman,
Securities Commission

Form 7

SECURITIES INDUSTRY ACT 1983

(Subsection 19(2))

**APPLICATION BY A FUND MANAGER'S REPRESENTATIVE FOR
VARIATION OF PARTICULARS RELATING TO PRINCIPAL**

Application is hereby made for a variation of the name of the holder of a fund manager's licence on whose behalf the applicant may act.

1. State—
 - (a) the applicant's name:
 - (b) the licence number:
 - (c) residential address and telephone number:
2. State—
 - (a) name of principal whom the applicant proposes to represent:

- (b) registered office and telephone number:
- (c) principal address and telephone number:
- (d) name of principal (if any) whom applicant has ceased, or intends to cease, to represent

3. Set out the reason and any additional information considered relevant to this application:

NOTE-

Attach written acknowledgements respectively signed by the abovenamed principals in paragraph 2(a) and (d) evidencing intention to employ or engage and to cease to employ or engage the applicant as a fund manager's representative.

Dated this day of19.....

Signed
(Principal whom the applicant proposes to represent)

Dated this day of19.....

Signed
(Principal whom applicant has ceased, or intends to cease, to represent)

Form 8

SECURITIES INDUSTRY ACT 1983

(Section 25)

NOTICE OF PARTICULARS OF CESSATION OR CHANGE

- 1. Name of licensee:
- 2. Type of licence and licence number held:
- 3. *Residential address / Registered office:
- 4. Business address:

***A. CESSATION**

On the day of19..... the holder of the licence ceased-

**(a) as the holder of a fund manager's licence, to carry on the business to which that licence relates.*

**(b) as the holder of a fund manager's representative's licence, to be employed or act in connection with the business carried on the fund manager named in that licence.*

***B. CHANGE OF NAME**

On theday of19..... the name of the holder of the licence was changed from.....to.....

*C. CHANGE OF PARTICULARS AFFECTING A FUND MANAGER

- *(a) On the..... day of19..... ceased to be.....* a director / directors / secretary of the licensee.
- *(b) On the day of19.....ceased to be.....* a director / directors / secretary of the licensee.
- *(c) the address(es) at which the licensee carries on the business to which that licence relates was/were changed from to..... effective from
- *(d) the name or style under which the business is carried on was changed fromto.....effective from

*D. CHANGE OF PARTICULARS AFFECTING A REPRESENTATIVE

On the day of19.....

- (a) the address of the principal place of business of the fund manager on whose behalf the holder of that licence may act was changed from.....to.....

Dated thisday of19.....

Signature
(Licensee/Director and Secretary)

Full name
of signatory

E. Since the last application for:

- a. application for fund manager's licence;
- b. application for renewal of fund manager's licence;
- c. application for fund manager's representative's licence;
- d. application for renewal of fund manager's representative's licence;
- e. application by fund manager's representative for variation of particulars relating to principal; or
- f. notice of particulars of cessation or change,

(where applicable) has there been any changes to the information submitted in the application or notice.

If "Yes", specify the details and the changes:

* Delete whichever is inapplicable

Form 9

SECURITIES INDUSTRY ACT 1983

(Section 49)

AUDITOR'S REPORT FOR A FUND MANAGER

Name of fund manager.....
FINANCIAL YEAR ENDED

To the Commission,

1. After making due inquiry, I am/we are of the opinion that the records and property arising from transactions conducted by the fund manager during the year for clients and the fund manager's own account were properly segregated in accordance with the requirements of the Securities Industry Act 1983.

2. In my/our opinion the accounting and other records kept by the fund manager comply with Part VII Division 2 of the Act so far as they are applicable to the type of transactions conducted by the fund manager.

3. (1) I/We have conducted an audit of the assets and liabilities (including contingent liabilities and capital commitments) shown in the fund manager's balance sheet as at (which has been signed by the fund manager or by the person(s) appointed to act on its behalf) and I/we have signed an unqualified report thereon that in my/our opinion it presents a true and fair view of the financial position of the business.

(2) The assets and liabilities of any nominee company controlled by the fund manager are not such as to affect materially the financial position of the fund manager are not such as to affect materially the financial position of the fund manager.

(3) No restriction has been placed by my/our client on the scope of the audit and I/we have received all the information and explanations required.

(4) No other matter has arisen during the year which would have required me/us to report to the Commission and the Registrar pursuant to section 50 of the Act.

4. I/We have inspected the fund manager's licence and in my/our opinion any conditions or restrictions thereon have been complied with.

5. I/We enclose the accounts of the fund manager

Date..... Signed
(Name of Company)

Company No.

Signed
(Name of Partner)

Approval No.....

NOTE—

If the report is qualified, strike out the relevant paragraph(s) and/or subparagraph(s) and attach separate detailed report.

Form 10

SECURITIES INDUSTRY ACT 1983

(Section 49)

SUPPLEMENTARY STATEMENT

To be prepared by the Fund Manager

Name of the Fund Manager

1. The attached balance sheet and profit and loss statement, including the notes to and forming part of the accounts are a true copy of the audited accounts offor the year ended and the attached auditor's report is a true copy of the auditor's report thereon.

2. The accounts are in accordance with the provisions of the Companies Act 1965, in respect of the financial year of the corporation within the meaning of the Companies Act 1965.

3. The attached balance sheet and profit and loss statement have been drawn up in accordance with generally accepted accounting principles.

4. The following supplementary information is submitted in support of the attached balance sheet and profit and loss statement.

	Last Year 19..... RM	This Year 19.... RM
(a) Debtors- Amounts owed by: Dealers Less: Provision for doubtful debts Clients Less: Provision for doubtful debts Other Debtors Less: Provision for doubtful debts		
(b) Deposits- At call Other		
(c) Cash at bank General accounts Trust accounts		
(d) Investments		
(e) Creditors- Amounts owed to: Dealers Clients Custodians Other creditors		
(f) Stocks oversold (including provision for loss of RM.....)		

<p>(g) Provisions-</p> <p>Income tax for :</p> <ul style="list-style-type: none"> - Services provided to foreign sourced income - Services provided to local sourced income <p>Deferred revenue Staff bonus Holiday pay Other (specify)</p> <p>(h) Profit and Loss Statement- Revenue:</p> <p>Management fees for:</p> <ul style="list-style-type: none"> - Foreign sourced income - Local sourced income <p>Performance fees for:</p> <ul style="list-style-type: none"> - Foreign sourced income - Local sourced income <p>Underwriting commission Profits(losses) on trading in securities Dividends Interest Other revenue (specify)</p> <p>Less: Expenses-</p> <ul style="list-style-type: none"> Bad Debts ✓ Doubtful debts Interest Abnormal items (specify) Other expenses <p>Profit for the year before income tax and extraordinary items</p> <p>Less: Provision for income tax</p> <p>Profit (Loss) for year before extraordinary items</p> <p>Extraordinary items (specify)</p> <p>Net profit (loss) for the year</p> <p>(h) Contingent liabilities and capital commitments-</p> <ul style="list-style-type: none"> (i) Underwriting and sub-underwritings Less: Sub-underwritten amounts included above (ii) Options (iii) Uncalled amounts on securities (iv) Other contingent liabilities and capital commitments: <ul style="list-style-type: none"> (a) Secured (specify)- (b) Unsecured (specify)- 		
--	--	--

<p>A. Liquid funds-</p> <p>Securities listed on a stock exchange (at a fair value not exceeding market value)</p> <p>Amount owed by:</p> <p style="padding-left: 20px;">Dealers</p> <p style="padding-left: 20px;">Clients</p> <p>Sundry debtors and prepayments</p> <p>Deposits</p> <p>Cash at bank</p> <p>Other current assets not being excluded assets (as defined in the note at the end of this form) (specify):</p> <p>Less:</p> <p>Current liabilities (as per balance sheet)</p> <p>Non current liabilities (as per balance sheet)</p> <p style="text-align: right;">Liquid Funds</p>		
--	--	--

We certify that the above information is to the best of our knowledge and belief true and correct.

Dated thisday.....19.....

Signed
(Director) (Secretary)

Full name
of signatory.....

Auditor's (s') Report:

I/we report that in my/our opinion, according to the best of my/our information and explanations given to me/us and as shown by the accounting and other records of the above schedule of supplementary information relating to the accounts of the company has been properly drawn up.

Dated this day of 19.....

Signed
(Name of Company)

Company No.

Signed
(Name of Partner)

Approval No.

NOTE-

For the purposes of this form, "excluded assets" means:

- (i) furniture, fixtures, real estate and other fixed assets;
- (ii) securities which have no ready market;
- (iii) unsecured loans or advances made to a member company of a stock exchange or a director of a member company of a stock exchange; and
- (iv) amounts owed by clients and the recovery of which is considered doubtful.

THIRD SCHEDULE

FEES

(Regulation 6)

PART I

Fees for application of licence or renewal of licence and for grant or renewal of fund manager's and fund manager's representative's licence

<i>Type of Licence</i>	<i>Fees payable on application for licence or licence renewal (RM)</i>	<i>Fees payable on grant or renewal (RM)</i>
1. Fund manager's licence	50.00	1,000.00
2. Fund manager's representative's licence	50.00	200.00

PART II

Fees for application and approval for variation of fund manager's representative's licence

<i>Matter</i>	<i>Fees (RM)</i>
1. On application	50.00
2. On approval	100.00

PART III

Other fees

<i>Matter</i>	<i>Fees (RM)</i>
1. Lodging or depositing of documents	20.00
2. Perusal of register under subsection 26(2) in respect of a fund manager or a fund manager's representatives	no charge
3. A copy of extract of a register under section 26 or 35 in respect of a fund manager or a fund manager's representatives	0.50 per page
4. Certified copy of a fund manager or a fund manager's representatives licence	50.00
5. Lodging of any other application to the Securities Commission where no fees are specifically provided	50.00

Dated 5 March 1996.
[S (8.02) 443-17; PN.(PU²)135/111.]

ANWAR IBRAHIM,
Minister of Finance



DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD,
IBU PEJABAT, KUALA LUMPUR
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA