

P.U.(A) 482/2012

CAPITAL MARKETS AND SERVICES ACT 2007

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

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

Citation and commencement

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

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

Application

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

Interpretation

3. In these Regulations—

“Fund” means the Capital Market Compensation Fund;

“Corporation” means the Capital Market Compensation Fund Corporation.

Contributions to the Fund

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

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

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

Failure to make contributions to the Fund

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

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

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

SCHEDULE 1

[Regulation 4]

Part 1

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

Relevant Person	Contribution	
	Upon being licensed	On anniversary date
Participating organization: investment bank	RM30,000.00	RM10,000.00
Participating organization: non-investment bank	RM30,000.00	RM5,000.00
Trading participant	RM30,000.00	RM10,000.00 for each of the five years upon the trading participant being licensed
A holder of a Capital Markets Services Licence for dealing in securities restricted to unit trust	RM150,000.00	-
A holder of a Capital Markets Services Licence for fund management	RM150,000.00	-
Trading participant or a holder of a Capital Markets Services Licence for fund management, trading in derivatives in Specified Exchange	RM100,000.00	-

Part 2

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

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

Approved 27 Disember 2012

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