



Suruhanjaya Sekuriti
Securities Commission
Malaysia

**GUIDELINES ON UNLISTED CAPITAL
MARKET PRODUCTS:
STRUCTURED PRODUCTS AND
UNIT TRUST SCHEMES**

Issued: 28 December 2012

INTRODUCTION

- 1.01 These Guidelines on Unlisted Capital Market Products: Structured Products and Unit Trust Schemes are issued by the Securities Commission Malaysia (SC) under sections 92A and 377 of the *Capital Markets and Services Act 2007* (CMSA).
- 1.02 These Guidelines seek to provide guidance on the authorisation of unlisted structured products and unlisted unit trust schemes, as well as for the recognition of foreign unlisted structured products and foreign unlisted unit trust schemes/collective investment schemes, as provided for under subsection 212(5)(a) of the CMSA.

AUTHORISATION AND RECOGNITION

- 1.03 As provided under subsection 212(5)(a) of the CMSA, any person who intends to make available, offer for subscription or purchase, or issue an invitation to subscribe for or purchase unlisted structured products or unlisted unit trust schemes, is required to seek the SC's authorization for the unlisted structured product or unlisted unit trust scheme, or recognition by the SC of the foreign unlisted structured product or foreign unlisted unit trust scheme/collective investment scheme.
- 1.04 An application to the SC for such authorisation or recognition shall be made in accordance with the requirements as set out in the following guidelines, as the case may be:

Unlisted Structured Products	Unlisted Unit Trust Schemes/Collective Investment Schemes
<i>(a) Guidelines on the Offering of Structured Products</i>	<i>(a) Guidelines on Unit Trust Funds;</i>
	<i>(b) Guidelines on Wholesale Funds;</i>
	<i>(c) Guidelines on Real Estate Investment Trusts;</i>
	<i>(d) Guidelines for the Offering, Marketing and Distribution of Foreign Funds</i>
For the purposes of these Guidelines, all references to an approval of an unlisted structured product in the guidelines in	In relation to the guidelines listed in (a) to (d) above, for the purposes of these Guidelines –

<p>(a) above, shall be deemed to refer to an authorization of an unlisted structured product or recognition by the SC of a foreign unlisted structured product, as the case may be.</p>	<p>(i) all references to an approval of units of an unlisted unit trust scheme/collective investment scheme, shall be deemed to refer to an authorisation of an unlisted unit trust scheme, or a recognition by the SC of a foreign unlisted unit trust scheme/collective investment scheme; and</p> <p>(ii) provisions relating to an increase in fund size shall not be applicable.</p>
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1.05 All approvals for unlisted structured products or units of unlisted unit trust schemes/collective investment schemes made under the guidelines listed in paragraph 1.04 above, which were obtained prior to the coming into force of these Guidelines, shall continue to be applicable, and be governed under the provisions of these Guidelines.

2. These Guidelines shall come into force on 28 December 2012.