

**SECURITIES AND FUTURES (EXEMPTION FROM REQUIREMENT
TO BE AN APPOINTED, PROVISIONAL OR TEMPORARY
REPRESENTATIVE)
REGULATIONS 2009**

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No. S 000 -

**SECURITIES AND FUTURES ACT
(CHAPTER 289)**

**SECURITIES AND FUTURES
(EXEMPTION FROM REQUIREMENT TO BE AN
APPOINTED, PROVISIONAL OR TEMPORARY
REPRESENTATIVE) REGULATIONS 2009**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
2. Definitions
3. Exemption from section 99B(1) of Act

In exercise of the powers conferred by sections 99B(2) and 337(1) of the Securities and Futures Act, the Monetary Authority of Singapore hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Securities and Futures (Exemption from Requirement to be an Appointed, Temporary or Provisional Representative Regulations 2009 and shall come into operation on DD/MM/YYYY.

Definitions

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

“extended settlement contract” means a marginable futures contract on an underlying financial instrument listed on the Singapore Exchange Securities Trading Limited;

“marginable futures contract” means a futures contract approved for listing on the Singapore Exchange Securities Trading Limited and which is subject to margin requirements;

“structured warrant” means an instrument listed for quotation on the Singapore Exchange Securities Trading Ltd and issued by a financial institution on an underlying financial instrument which gives the holder of the instrument the right —

- (a) to purchase from, or sell to, the financial institution that underlying financial instrument in accordance with the terms of issue of the instrument; or
- (b) to receive from the financial institution a cash payment calculated by reference to the fluctuations in value or price of that underlying financial instrument in accordance with the terms of issue of the instrument;

“underlying financial instrument” —

- (a) in relation to an extended settlement contract, means securities or an index of securities; and
- (b) in relation to a structured warrant, means —
 - (i) foreign exchange, interest rate, gold or any produce, item, goods or article, and includes an index of such foreign exchange, interest rate, gold, produce, item, goods or article; or
 - (ii) an index of futures contracts in respect of foreign exchange, interest rate, gold or any produce, item, goods or article.

Exemption from section 99B(1) of Act

3.—(1) An appointed representative, temporary representative or provisional representative in respect of the regulated activity of dealing in securities and whose principal holds a capital markets services licence to trade in futures contracts shall be exempted from the requirement under section 99B(1) of the Act to be an appointed representative, temporary representative or provisional representative in respect of the regulated activity of trading in futures contracts —

- (a) if, and only if, he trades only in extended settlement contracts and he complies with the conditions specified in paragraph (2);
- (b) if, and only if, he trades only in structured warrants and he complies with the conditions specified in paragraph (3); or
- (c) if, and only if, he trades only in extended settlement contracts and structured warrants and he complies with —
 - (i) the conditions specified in paragraph (2) in respect of his trades in extended settlement contracts; and
 - (ii) the conditions specified in paragraph (3) in respect of his trades in structured warrants.

(2) The exemption granted to a person under paragraph (1)(a) or (c)(i) shall be subject to the following conditions:

- (a) the person satisfies such examination requirements in respect of extended settlement contracts as may be specified by the Authority by notice in writing;
 - (b) the person shall —
 - (i) maintain, in the form as set out in the Authority’s Internet website <http://www.mas.gov.sg> (under “Regulations and Licensing”, “Securities, Futures and Fund Management”), a register of his interests in extended settlement contracts;
 - (ii) enter in the register referred to in sub-paragraph (i), within 7 days after the date that he acquires any interest in extended settlement contracts, particulars of the extended settlement contracts in which he has an interest and particulars of his interest in those extended settlement contracts; and
 - (iii) retain that entry in an easily accessible form for a period of not less than 5 years after the date on which such entry is first made;
 - (c) where there is a change in any interest in extended settlement contracts of the person, the person shall —
 - (i) enter in the register referred to in sub-paragraph (b)(i), within 7 days after the date of the change, particulars of the change including the date of the change and the circumstances by reason of which the change has occurred; and
 - (ii) retain that entry in an easily accessible form for a period of not less than 5 years after the date on which such entry is first made;
 - (d) the person shall keep the register referred to in sub-paragraph (b)(i) at his principal place of business; (e) the person shall produce the register referred to in sub-paragraph (b)(i) for inspection by the Authority when required to do so and allow the Authority to make a copy of, or take extracts from, the register; and
 - (f) a copy of the register shall be kept in Singapore by the person.
- (3) The exemption granted to a person under paragraph (1)(b) or (c)(ii) shall be subject to the following conditions:
- (a) the person —
 - (i) acquires knowledge in relation to structured warrants;

- (ii) undergoes continuing education to keep abreast of developments in relation to structured warrants; and
 - (iii) where relevant, acquires new skills and knowledge necessary or applicable to the trading of structured warrants;
- (b) the person shall —
 - (i) maintain a register of his interests in structured warrants;
 - (ii) enter in the register referred to in sub-paragraph (i), within 7 days after the date that he acquires any interest in structured warrants, particulars of the structured warrants in which he has an interest and particulars of his interest in those structured warrants; and
 - (iii) retain that entry in an easily accessible form for a period of not less than 5 years after the date on which such entry is first made;
- (c) where there is a change in any interest in structured warrants of the person, the person shall —
 - (i) enter in the register referred to in sub-paragraph (b)(i), within 7 days after the date of the change, particulars of the change including the date of the change and the circumstances by reason of which the change has occurred; and
 - (ii) retain that entry in an easily accessible form for a period of not less than 5 years after the date on which such entry is first made;
- (d) the person shall keep the register referred to in sub-paragraph (b)(i) at his principal place of business;
- (e) the person shall produce the register referred to in sub-paragraph (b)(i) for inspection by the Authority when required to do so and allow the Authority to make a copy of, or take extracts from, the register; and
- (f) a copy of the register shall be kept in Singapore by the person.

