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The Securities and Exchange Commission

Notification of the Securities and Exchange Commission

No. KorThor/Nor/Yor. 47/2546

Re: Determination of Fees for the Operation of Licensed Businesses

By virtue of Section 14 (2) of the Securities and Exchange Act B.E. 2535 (1992), the Securities and Exchange Commission hereby issues the following regulations:

Clause 1. The following Notifications shall be repealed:

(1) The Notification of the Securities and Exchange Commission No. KorThor/Nor/Yor. 14/2545 Re: Determination of Fees for the Operation of Licensed Businesses dated 19 February 2002.

(2) The Notification of the Securities and Exchange Commission No. KorThor/Nor/Yor. 45/2545 Re: Determination of Fees for the Operation of Licensed Businesses (No. 2) dated 24 October 2002.

Clause 2. In this Notification:

“Fee” means fee for the operation of a licensed business.

“Income” means income derived from the operation of a licensed business.

“Office” means the Office of the Securities and Exchange Commission.

Clause 3. The following securities companies shall pay fees to the Office at the rate of one percent per annum on their income, but not less than Baht two hundred thousand and not exceeding Baht three million, provided that the income to be used in the calculation of such fees shall be in accordance with the rules, conditions and procedures as specified by the Office with the approval of the Securities and Exchange Commission:

(1) The securities companies licensed to undertake all securities businesses in the category of securities brokerage, securities dealing, investment advisory service and securities underwriting;

(2) The securities companies licensed to undertake securities business in the categories as specified in (1), except any one particular category;

(3) The securities companies licensed to undertake securities business in the category of mutual fund management; and

(4) The securities companies licensed to undertake securities business in the category of private fund management.

Clause 4. Those licensed to operate the following businesses shall pay the annual fixed fees to the Office at the specified rates as follows:

- (1) Dealing of debt securities, at the rate of Baht 1,000,000 per year;
- (2) Underwriting of debt securities, at the rate of Baht 1,000,000 per year;
- (3) Investment advisory service, at the rate of Baht 25,000 per year;
- (4) Securities financing, at the rate of Baht 500,000 per year;
- (5) Inter-dealer brokerage, at the rate of Baht 50,000 per year;
- (6) Venture capital fund management, at the rate of Baht 50,000 per year;
- (7) Securities registrar service, at the rate of Baht 50,000 per year;
- (8)^{1 2} Securities brokerage, securities dealing
or securities underwriting of investment units
of any particular type or several types, at the rate of Baht 10,000 per year.

In the event the remaining period up to the end of the calendar year for operation of the licensed business in the first year is shorter than six months, the licensee shall pay such fees at one half of the rates as specified in paragraph one hereof.

Clause 5.³ The following securities companies which are required to pay fees at the rates as specified under Clause 3 shall be exempt from payment of such fees as specified in Clause 4, provided that those companies must instead include the income derived from the business as per Clause 4 in the calculation for payment of fees at the rates as specified in Clause 3:

¹ Amended by the Notification of the Securities and Exchange Commission No. KorThor/Nor/Yor/Khor. 28/2547, Re: Determination of Fees for the Operation of Licensed Businesses (No. 2), dated 27 May 2004.

² Repealed for amendment by the Notification of the Securities and Exchange Commission No. KorThor/Nor/Yor/Khor. 43/2547, Re: Determination of Fees for the Operation of Licensed Businesses (No. 3), dated 24 August 2004.

³ Repealed for amendment by the Notification of the Securities and Exchange Commission No. KorThor/Nor/Yor/Khor. 28/2547, Re: Determination of Fees for the Operation of Licensed Businesses (No. 2), dated 27 May 2004.

(1) Securities companies as per Clause 3(1) for the business operation as per Clause 4(7);

(2) Securities companies as per Clause 3(2) for the business operation as per Clause 4(1), (2), (3), (7) and (8);

(3)⁴ Securities companies as per Clause 3(3) for the business operation as per 4(3), (7) and (8); and

(4) Securities companies as per Clause 3(4) for the business operation as per Clause 4(1), (2), (3), (7) and (8), excluding the licensees which are commercial banks, finance companies or financial institutions established under the specific laws, for the business operation as per Clause 4(1), (2) and (8).

Clause 6. Those licensed to operate business specified in this Notification shall pay such fees within the time as specified by the Office with the approval of the Securities and Exchange Commission.

Clause 7. The securities companies licensed to undertake securities business in the category of securities brokerage, securities dealing or securities underwriting as per the Ministerial Regulations No. 5 (B.E. 2539 (1996)) issued by virtue of the Securities and Exchange Act B.E. 2535 (1992), whether before or after the effective date of this Notification, shall be exempt from payment of the fees in the business operation under this Notification, subject to the rules and within the scheduled time as specified by the Office with the approval of the Securities and Exchange Commission.

Clause 8. If all the fees payable by the licensees as per the Notification of the Securities and Exchange Commission No. KorThor/Nor/Yor. 14/2545, Re: Determination of Fees for the Operation of Licensed Businesses, dated 19 February 2002, have not yet been paid or remain outstanding, the licensees shall be required to pay such fees in full as per the rules and the scheduled time as specified in the said Notification until such payment is made in full.

Clause 9. This Notification shall come into force from 1 January 2004.

⁴ Repealed for amendment by the Notification of the Securities and Exchange Commission No. KorThor/Nor/Yor/Khor. 43/2547, Re: Determination of Fees for the Operation of Licensed Businesses (No. 3), dated 24 August 2004.

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Notified on this 30th day of December 2003.

(Captain Suchart Jaovisidha)
Minister of Finance
Chairman of the Securities and Exchange Commission

Note:

The Notification of the Securities and Exchange Commission No. KorThor/Nor/Yor. 47/2546, Re: Determination of Fees for the Operation of Licensed Businesses, dated 30 December 2003, was published in the Government Gazette on 31 December 2003, Volume 120, Special Section 152Ngor.

The Notification of the Securities and Exchange Commission No. KorThor/Nor/Yor/Khor. 28/2547, Re: Determination of Fees for the Operation of Licensed Businesses (No. 2), dated 27 May 2004, was published in the Government Gazette on 9 June 2004, Volume 121, Special Section 64Ngor.

The Notification of the Securities and Exchange Commission No. KorThor/Nor/Yor/Khor. 43/2547, Re: Determination of Fees for the Operation of Licensed Businesses (No. 3), dated 24 August 2004, was published in the Government Gazette on 6 September 2004, Royal Decree Issue, Volume 121, Special Section 97Ngor.