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Notification of the Office of the Securities and Exchange Commission
No. SorKhor/Nor. 4/2551
Re: Rules, Conditions and Procedures for Management of Funds
(No. 8)

By virtue of the second and the third paragraphs of Section 140 of the Securities and Exchange Act B.E. 2535 (1992) as amended by the Securities and Exchange Act (No. 2) B.E. 2542 (1999), whereas the Act contains certain provisions in relation to the restriction of right and liberty of persons, in respect of which Section 29 in conjunction with Section 33, Section 34, Section 41, Section 43, Section 44 and Section 64 of the Constitution of the Kingdom of Thailand so permit by virtue of law, together with Clause 16, with approval of the Securities and Exchange Commission, Clause 8, Clause 9, Clause 12, Clause 18 (1) (2) and (4) and Clause 19 of the Notification of the Securities and Exchange Commission No. KorNor. 30/2547 Re: Rules, Conditions and Procedures for Establishment and Management of Funds dated 10 June 2004, and Clause 18(6) of the Notification of the Securities and Exchange Commission No. KorNor. 30/2547 Re: Rules, Conditions and Procedures for Establishment and Management of Funds dated 10 June 2004 as amended by the Notification of the Securities and Exchange Commission No. KorNor. 1/2550 Re: Rules, Conditions and Procedures for Establishment and Management of Funds (No. 4) dated 24 April 2007, the Office of the Securities and Exchange Commission hereby issues the following regulations:

Clause 1. The following provisions shall be added as the definition of the terms “Provident fund with multiple investment policies”, “Single fund” and “Pooled fund” preceding the definition for the term “Stock Exchange” under Clause 3 of the Notification of the Office of the Securities and Exchange Commission No. SorKhor/Nor. 1/2549 Re: Rules, Conditions and Procedures for Management of Funds dated 7 February 2006:

“Provident fund with multiple investment policies” means any provident fund which employs more than one investment policy and may be established as a single fund or pooled fund.”

“Single fund” means a provident fund established for employees of a single employer.

“Pooled fund” means a provident fund established for employees of multiple employers.

Clause 2. The provision under Clause 116 of the Notification of the Office of the Securities and Exchange Commission No. SorKhor/Nor. 1/2549 Re: Rules, Conditions and Procedures for Management of Funds dated 7 February 2006 shall be repealed and replaced by the following provision:

“Clause 116. The provision of Clause 76(2) shall apply *mutatis mutandis* to the collection of management fee of a private fund management company.”

Clause 3. The provisions under Clause 130 of the Notification of the Office of the Securities and Exchange Commission No. SorKhor/Nor. 1/2549 Re: Rules, Conditions and Procedures for Management of Funds dated 7 February 2006 shall be repealed and replaced by the following provision:

“Clause 130. The private fund management company shall calculate unit value in the manner which reflects actual performance of the provident fund whereby the sums which are not generated by the performance of the fund shall be converted into provident fund units.”

Clause 4. The following provision shall be added as the third paragraph of Clause 131 of the Notification of the Office of the Securities and Exchange Commission No. SorKhor/Nor. 1/2549 Re: Rules, Conditions and Procedures for Management of Funds dated 7 February 2006:

“If there is no member left in any provident fund or any investment policy of provident fund with multiple investment policies, which results in no unit value for which the number of units can be calculated and allocated to a new member of the provident fund or the investment policy, the provision under the second paragraph shall be applied for the purpose of calculation of number of units for members.”

Clause 5. The provisions under Clause 133 and Clause 134 of the Notification of the Office of the Securities and Exchange Commission No. SorKhor/Nor. 1/2549 Re: Rules, Conditions and Procedures for Management of Funds dated 7 February 2006 shall be repealed and replaced by the following provisions:

“Clause 133. The private fund management company shall fix a trade date of each fund at least once a week. The unit value of the most recent trade date having been verified by a verifier shall be applied in calculation for an increase or decrease in the number of units for members. Any such increase or decrease of number of units for members shall be made within three business days from the trade date except in respect of investment in foreign securities or assets where a time extension for making such increase or decrease may be requested from the Office.

Clause 134. The private fund management company may postpone the trade date upon occurrence of the following events:

(1) The Stock Exchange or the over-the-counter centre is unable to open its normal trading;

(2) A notification of the Office is issued requiring the private fund management company to postpone the trade date for the purpose of protecting the benefits of members or maintaining the national economic and financial stability or the stability of the financial market system;

(3) The private fund management company is, on account of necessity, unable to dispose of securities or assets of the provident fund or is unable to calculate the fair and appropriate net asset value of the provident fund provided that an approval is obtained from the fund committee, except where otherwise agreed in the private fund management contract;

(4) In the case of the provident fund investing in foreign securities or assets pursuant to the Notification of the Office of the Securities and Exchange Commission concerning investment and holding of assets for a fund, there occurs one of the following events having significant impacts on the provident fund:

(a) The relevant stock exchange is unable to open its normal trading only in the case where the provident fund has invested in the securities traded on each stock exchange in excess of ten percent of its net asset value; or

(b) There is an event which prevents foreign currency exchange from operating freely thus preventing normal outward or inward remittance of currencies.

Clause 6. The provision under Clause 137 of the Notification of the Office of the Securities and Exchange Commission No. SorKhor/Nor. 1/2549 Re: Rules, Conditions and Procedures for Management of Funds dated 7 February 2006 shall be repealed and replaced by the following provision:

“Clause 137. The private fund management company shall arrange for the verification of the net asset value of the provident fund by the verifier who meets the following criteria:

(1) Being registered with the Office as verifier; and;

(2) Not having any significant interest with the private fund management company to the extent that it may affect his independency in performing his duty of verifying the net asset value of the provident fund, except where such interest has already been disclosed to, and a consent of which has been obtained from, the fund committee.”

Clause 7. The following provisions shall be added as Division 5: Specific Rules for Management of Provident Funds with Multiple Investment Policies under Chapter 2: ADDITIONAL RULES FOR PROVIDENT FUND MANAGEMENT of PART 3: PRIVATE FUND MANAGEMENT of the Notification of the Office of the Securities and Exchange Commission No. SorKhor/Nor. 1/2549 Re: Rules, Conditions and Procedures for Management of Funds dated 7 February 2006:

“Division 5

Specific Rules for Management of Provident Funds with Multiple Investment Policies

Clause 146. In managing the provident fund with multiple investment policies, the private fund management company shall make the following proceedings with respect to each investment policy instead of each fund:

(1) Calculation of the unit value as set out in Clause 130, and the net asset value of the provident fund;

(2) Disclosure of information regarding number of units, unit value and the net asset value of the provident fund as set out in Clause 136;

(3) Verification of the net asset value of the provident fund as set out in Clause 137.

Clause 147. In managing the provident fund with multiple investment policies, the private fund management company shall make the following

additional proceedings with respect to each investment policy under its management:

(1) Disclosure of information upon signing of the private fund management contract pursuant to Clause 114;

(2) Preparation and submission of reports to the Office pursuant to Clause 122(3);

(3) Submission of a report pursuant to Clause 126;

(4) Preparation and keeping of the balance sheet pursuant to Clause 127;

(5) Taking actions in respect of other assets received as debt repayment as required under Clause 143;

(6) Taking actions in respect of assets donated to the provident fund as required under Clause 145.”

Clause 8. This Notification shall come into force as from 15 February 2008.

Notified this 4th day of February 2008.

(Mr. Thirachai Phuvanatanarubala)

Secretary-General

The Office of the Securities and Exchange Commission

Remark: The rationale for issuance of this Notification is to prescribe the provisions in relation to the management of provident funds with multiple investment policies pursuant to the Provident Fund Act (No. 3) B.E. 2550 (2007) and to ensure that the calculation of period for increasing or decreasing number of units for members by the private fund management company and the verification of the net asset value of the provident fund are in accord and practical.