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Notification of the Securities and Exchange Commission

No. KorThor. 3/2551

Re: Additional Determination of Type of Juristic Person Classified as Institutional Investors

By virtue of Clause 3 and Clause 9 of the Derivatives Act B.E.2546 (2003) which contains certain provisions in relation to the restriction of rights and liberty of persons which Section 29, in conjunction with Section 33, Section 34, Section 36, Section 41, Section 43 and Section 45 of the Constitution of the Kingdom of Thailand so permits by virtue of law, the Securities and Exchange Commission hereby issues the following regulations:

Clause 1. The Notification of the Securities and Exchange Commission No. KorThor. 6/2547 Re: Additional Determination of Type of Juristic Person Classified as Institutional Investor dated 23 January 2004 shall be repealed.

Clause 2. The following juristic persons shall be institutional investors under Section 3 of the Derivatives Act, B.E. 2546 (2003):

- (1) a commercial bank;
- (2) a derivatives business operator;
- (3) a derivatives business operator pursuant to the law on agricultural futures trading;
- (4) the Bank of Thailand;
- (5) an international financial institution;
- (6) a juristic person established under a specific law;
- (7) a government agency and state enterprise under the law on budgetary procedure;
- (8) the Financial Institutions Development Fund;
- (9) a juristic person having total assets of five hundred million baht or more, according to the latest financial statement audited by an auditor;
- (10) a juristic person having total securities investment of one hundred million baht or more, according to the latest financial statement audited by an auditor;
- (11) a juristic person having the persons defined as an institutional investor under Section 3 of the Derivatives Act B.E. 2546 (2003) and those under (1) to (10) holding total shares of more than 75 percent of all voting shares;

(12) a foreign investor of similar characteristic as the persons defined under Section 3 of the Derivatives Act, B.E. 2546 (2003) or those under (1) to (11) *mutatis mutandis*.

Clause 3. This Notification shall come into force as from 16 April 2008.

Notified this 2nd day of April 2008.

(Mr.Surapong Suebwonglee)

Minister of Finance

Chairman of the Securities and Exchange Commission

Remark: The reason for issuing this Notification is to allow derivatives business operators licensed by the Office to provide services for additional juristic persons who are well equipped with knowledge and capability in trading futures contracts and protecting their own interest.