

Readers should be aware that only the original Thai text has legal force and that this English translation is strictly for reference. The SEC, Thailand cannot undertake any responsibility for its accuracy, nor be held liable for any loss or damages arising from or related to its use.

Notification of the Capital Market Supervisory Board

No. TorKhor. 12/2551

Re: Rules, Conditions and Procedures for Brokerage, Dealing and Underwriting of Investment Units

By virtue of Section 16/6, Section 112, Section 113, Section 114 and Section 116 of the Securities and Exchange Act B.E. 2535 (1992) as amended by the Securities and Exchange Act (No.4) B.E. 2551 (2008) 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 41, Section 43, Section 44 and Section 64 of the Constitution of the Kingdom of Thailand so permits by virtue of law, the Securities and Exchange Commission acting as the Capital Market Supervisory Board pursuant to Section 60 of the Securities and Exchange Commission (No.4) B.E. 2551 (2008) hereby issues the following regulations:

Clause 1. The following provision shall be inserted as the definition of the term “Institutional investor” between the definition of the terms “Securities company” and “Cold calling” in Clause 1 of the Notification of the Securities and Exchange Commission No. KorKhor. 42/2547 Re: Rules, Conditions and Procedures for Brokerage, Dealing and Underwriting of Investment Units dated 3 August 2004:

“Institutional investor” means

- (1) commercial banks;
- (2) finance companies;
- (3) securities companies which manage proprietary portfolios, private funds or investment schemes established under the law on undertaking of finance business, securities business and credit foncier business;
- (4) credit foncier companies;
- (5) insurance companies;
- (6) juristic persons established under any specific law other than the juristic persons under (9);
- (7) Bank of Thailand;
- (8) international financial institutions;
- (9) government agencies and state enterprises under the law on budgetary procedure;

- (10) Financial Institutions Development Fund;
- (11) Government Pension Fund;
- (12) provident funds;
- (13) mutual funds under the securities and exchange law;
- (14) juristic persons having total securities investment of one hundred million baht or more, according to the latest audited financial statements;
- (15) juristic persons having the persons under (1) to (14) holding total shares of more than 75 percent of all voting shares;
- (16) foreign investors of similar characteristics as the persons under (1) to (15) *mutatis mutandis*;
- (17) juristic persons approved by the Office on a case-by-case basis whose core business is in accordance with the mutual fund's investment objective as specified in the investment policy.

Clause 2. The provision under (1) of Clause 3 of the Notification of the Securities and Exchange Commission No. KorKhor. 42/2547 Re: Rules, Conditions and Procedures for Brokerage, Dealing and Underwriting of Investment Units dated 3 August 2004 shall be repealed and replaced by the following:

“(1) Arrange for an investor contact who has obtained approval from the Office in compliance with the rules as specified by the notification of the Office to be responsible for selling or accepting redemption of investment units or giving advice to non-institutional investors, and shall oversee such investor contact's performance in compliance with the rules as specified by the notification of the Office, the standards of conduct, and the standards of advice giving;

Clause 3. This Notification shall come into force as from 1 June 2008.

Notified this 16th day of May 2008.

(Mr.Surapong Suebwonglee)

Minister of Finance

Chairman of the Securities and Exchange Commission