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Notification of the Capital Market Supervisory Board

No. TorNor. 77/2552

**Re: Rules, Conditions, and Procedures for Liquidation of Mutual Funds
as a result of Merger or Amalgamation of Mutual Funds**

By virtue of Section 16/6 of the Securities and Exchange Act B.E. 2535 (1992) as amended by the Securities and Exchange Act (No. 4) B.E. 2551 (2008) and Section 130 of the Securities and Exchange Act B.E. 2535 (1992) which contains certain provisions in relation to the restriction of rights and liberties 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 permit by virtue of law, the Securities and Exchange Commission acting as the Capital Market Supervisory Board under Section 60 of the Securities and Exchange Act (No. 4) B.E. 2551 (2008) hereby issues the following regulations:

Clause 1. In this Notification:

- (1) “mutual fund” means a closed-ended fund and an open-ended fund;
- (2) “closed-ended fund” means a mutual fund established and managed by a management company which does not accept the redemption of investment units;
- (3) “open-ended fund” means a mutual fund established and managed by a management company which accepts the redemption of investment units;
- (4) “management company” means a securities company licensed to undertake securities business in the category of mutual fund management;
- (5) “mutual fund merger” means merger of two mutual funds or more into a new mutual fund established to purchase or accept the transfer of assets, rights and duties of former mutual funds as specified in the new fund scheme and the former mutual funds are dissolved;
- (6) “new mutual fund” means a new mutual fund established by means of mutual fund merger;
- (7) “former mutual funds” mean the mutual funds which are merged together;
- (8) “mutual fund amalgamation” means amalgamation of two mutual funds or more into one mutual fund in which the mutual fund which accepts the transfer of assets purchases or accepts the transfer of assets, rights and duties of the transferred mutual fund as specified in the fund scheme of the mutual fund which accepts the transfer of assets and the transferred mutual fund is dissolved;
- (9) “mutual fund which accepts the transfer of assets” means a mutual fund which purchases or accepts the transfer of assets, rights and duties of the transferred mutual fund in mutual fund amalgamation;

(10) “transferred mutual fund” means a mutual fund which sells or transfers its assets, rights and duties in mutual fund amalgamation;

(11) “Notification No. TorNor. 76/2552” means the Notification of the Capital Market Supervisory Board No. TorNor. 76/2552 Re: Rules, Conditions, and Procedures for Liquidation of Mutual Funds dated 3 August 2009.

Clause 2. The liquidation of the former mutual funds or the transferred mutual funds which are dissolved due to the merger or the amalgamation shall be in accordance with the Notification No. TorNor. 75/2552, *mutatis mutandis*. However, the provision under Clause 8 of the Notification No. TorNor. 75/2552 relating to the distribution of money and documents to the unitholders shall not apply to the distribution of money and documents to the unitholders of the former mutual funds or the transferred mutual funds who vote to merge or amalgamate the funds and the unitholders who intend to convert the investment units of such funds into the investment units of the new mutual fund or the mutual fund which accepts the transfer of assets.

Clause 3. All notifications of the Office of the Securities and Exchange Commission, orders and circular letters issued under or prescribing guidelines for compliance with the Notification of the Securities and Exchange Commission No. KorNor. 57/2543 Re: Rules, Conditions, and Procedures for Liquidation of Mutual Funds as a result of Merger and Amalgamation of Mutual Funds dated 26 October 2000 which are in effect prior to the effective date of this Notification shall remain in full force to the extent that they are neither inconsistent with nor contrary to the provisions of this Notification until notifications, orders and circular letters issued under or prescribing guidelines for compliance with this Notification come into force.

Clause 4. Any reference made in any notifications to the Notification of the Securities and Exchange Commission No. KorNor. 57/2543 Re: Rules, Conditions, and Procedures for Liquidation of Mutual Funds as a result of Merger and Amalgamation of Mutual Funds dated 26 October 2000 shall mean reference to this Notification.

Clause 5. This Notification shall come into force as from 1 September 2009.

Notified this 3rd day of August 2009.

-Signature-
(Vijit Supinit)
Chairman

Securities and Exchange Commission

Remark: The rationale for issuing this Notification: As the Securities and Exchange Act (No. 4) B.E. 2551 (2008) stipulates that the issuance of rules on liquidation of mutual funds is under the authority of the Capital Market Supervisory Board, it is therefore deemed appropriate to issue this Notification to replace the Notification of the Securities and Exchange Commission No. KorNor. 57/2543 Re: Rules, Conditions, and Procedures for Liquidation of Mutual Funds as a result of Merger and Amalgamation of Mutual Funds dated 26 October 2000.