

(UNOFFICIAL TRANSLATION)

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 Office of the Securities and Exchange Commission

No. SorDor. 46/2552

Re: Documents and Evidence for Applying for Approval of Regulations of Derivatives Exchange and Derivatives Clearing House

By virtue of Section 14, Section 64, and the first paragraph of Section 89 in conjunction with Section 64 of the Derivatives Act B.E. 2546 (2003) which contain certain provisions in relation to the restriction of rights and liberties 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 permit by virtue of law, the Office of the Securities and Exchange Commission hereby issues the following regulations:

Clause 1. The Notification of the Office of the Securities and Exchange Commission No. SorThor. 11/2548 Re: Documents and Evidence for Applying for Approval of Regulations of Derivatives Exchange and Derivatives Clearing House dated 16 May 2005 shall be repealed.

Clause 2. In this Notification,

(1) “derivatives exchange” means a person licensed to undertake business as derivatives exchange;

(2) “derivatives clearing house” means a person licensed to undertake business as derivatives clearing house;

(3) “director” means a director of a derivatives exchange or a derivatives clearing house, as the case may be;

(4) “board of directors” means the board of directors of a derivatives exchange or a derivatives clearing house, as the case may be.

Clause 3. In proposing regulations of a derivatives exchange or a derivatives clearing house for approval of the Capital Market Supervisory Board, the derivatives exchange or the derivatives clearing house shall submit supporting documents and evidence as follows:

(1) a letter indicating in detail the principles, reasons, and necessity of issuing the regulations applied for approval, including benefits and impacts which may occur from the issuance of the regulations as well as the guidelines for enforcement of such regulations.

(2) a minute of the board of directors' meeting relating to the consideration of the regulations applied for approval, together with supporting documents, such as regulations of foreign countries governing similar matters. In the case where the board of directors has not unanimously approved the regulations, the number of dissenting directors shall be indicated and the conclusion of dissenting opinions shall also be included;

(3) opinions of the sub-committee entrusted to screen and give opinions to the board of directors in the case where such regulations has been submitted to the sub- committee for consideration;

(4) reports on consultation results and hearing documents of members, investors or persons relating to the derivatives exchange or the derivatives clearing house, together with opinions of the derivatives exchange or the derivatives clearing house in the case where the regulations applied for approval may affect the business operation or the interest of such persons.

Clause 4. All orders and circulars issued under or prescribing guidelines for compliance with the Notification of the Office of the Securities and Exchange Commission No. SorThor. 11/2548 Re: Documents and Evidence for Applying for Approval of Regulations of Derivatives Exchange and Derivatives Clearing House dated 16 May 2005 which are in effect prior to the effective date of this Notification shall remain in full force to the extent that they are not inconsistent with nor contrary to the provisions of this Notification until orders and circulars issued under or prescribing guidelines for compliance with this Notification come into force.

Clause 5. Any reference made in any other notifications to the Notification of the Office of the Securities and Exchange Commission No. SorThor. 11/2548 Re: Documents and Evidence for Applying for Approval of Regulations of Derivatives Exchange and Derivatives Clearing House dated 16 May 2005 shall mean reference to this Notification.

Clause 6. This Notification shall come into force as from 1 September 2009.

Notified this 3rd day of August 2009.

- Signature –

(Thirachai Phuvanatanarubala)
Secretary-General
Office of the Securities and Exchange Commission

Remark: The rationale for issuing this Notification: As the Derivatives Act (No. 2) B.E. 2551 (2008) stipulates that the granting of approval of regulations of a derivatives exchange or a derivatives clearing house is under the authority of the Capital Market Supervisory Board, it is therefore deemed appropriate to issue this Notification to make adjustment of provisions accordingly.