

TRANSLATED VERSION

As of February 20, 2014

Readers should be aware that only the original Thai text has legal force and that this English translation is strictly for reference.

Notification of the Office of the Securities and Exchange Commission

No. SorKhor. 4/2553

Re: Particulars in Trust Instrument

By virtue of Section 9 and Section 15 of the *Trust for Transactions in Capital Market Act B.E. 2550 (2007)* which contain certain provisions relating to the restriction of rights and liberties of persons, which Section 29 in conjunction with Section 32, Section 33, Section 41 and Section 43 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 A trustee shall include at minimum the following particulars in a trust instrument:

- (1) establishment date of a trust;
- (2) name, address and telephone number of a settlor and trustee;
- (3) name or qualifications of a beneficiary or any description that identifies a beneficiary;
- (4) name, term, type and objective of a trust provided that such name shall describe the characteristics of the trust;
- (5) the rights, conditions and returns of a trust certificate
- (6) a trust property;
- (7) any other rights of a beneficiary;
- (8) duties of a trustee;
- (9) rate and method of payment of fees or any other expenses relating to a trust;
- (10) amendment of a trust instrument;
- (11) meeting of trust certificate holders;
- (12) transfer of trust certificates;
- (13) appointment, change and removal of a trustee;
- (14) delegation of trust management, if any;
- (15) advanced payment made by a trustee for a trust, if any;
- (16) preparation for financial statements of a trust and an auditor in respect of the trust which is required to prepare financial statements pursuant to the *Notification of the Securities and Exchange Commission concerning Operating System, Contact with Investors and General Undertaking Trust Business*;
- (17) termination of a trust and liquidation;
- (18) specimen of a trust certificate attached to a trust instrument, if any.

Clause 1/1¹ The arrangement of the trust instrument relating to issuance of sukuk shall not be enforced by this Notification.

Clause 2 This Notification shall come into force as from 1 March 2010.

¹ Added by *Notification of the Office of the Securities and Exchange Commission No. SorKhor. 8/2554 Re: Particulars in Trust Instrument (No. 2) dated February 9, 2011*

Notified this 1st day of February 2010.

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