

(UNOFFICIAL TRANSLATION)

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**Notification of the Capital Market Supervisory Board  
No. TorThor. 2/2555  
Re: Rules, Conditions and Procedures for Establishment and Management of  
Mutual Funds  
(No. 4)**

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 117 of the Securities and Exchange Act B.E. 2535 (1992) which contain certain provisions relating 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 Capital Market Supervisory Board hereby issues the following regulations:

**Clause 1** The following provision shall be added as Clause 4/1 of the Notification of the Capital Market Supervisory Board No. TorNor. 27/2552 Re: Rules, Conditions and Procedures for Establishment and Management of Mutual Funds dated 20 July 2009:

“Clause 4/1 In case where any fact is apparent to the SEC Office giving rise to any of the following doubtful matters, the SEC Office may not grant an approval for establishment of mutual fund as applied:

(1) characteristics or forms of mutual fund applies for an approval for establishment are in accordance with the requirements or conditions to be approved under this notification, but there is the fact leading to the consideration that the purpose or substance of establishment of such mutual fund is deemed as avoidance of provisions under the law concerning securities and exchange or rules issued thereunder;

(2) establishment of mutual fund may contradict with public or government policy relating to capital market;

(3) establishment of mutual fund may cause an impact to credibility of Thai capital market as a whole;

(4) establishment of mutual fund may cause damage to the investor or may cause unfair treatment to the investor or the investor may not receive correct or sufficient information for making investment decision”

**Clause 2** The following provision shall be added as Clause 20/1 of the Notification of Capital Market Supervisory Board No. TorNor. 27/2552 Re: Rules,

Conditions and Procedures for Establishment and Management of Mutual Funds dated 20 July 2009:

“Clause 20/1 For the purpose of directing management of mutual fund to be in accordance with supervisory policy or requirements in force at that time or for the purpose of investor protection, in case where any of the following facts is apparent, the SEC Office shall have the power to order management company to act or refrain from acting as the SEC Office deems appropriate [and] within specified period of time:

(1) the facts under Clause 4/1(1), (2), (3) or (4);

(2) undertaking of mutual fund is inconsistent with the mutual fund project approved by the SEC Office.

The power under the first paragraph shall include orders in the following matters:

(1) clarifying or disclosing additional information;

(2) amending the characteristics of mutual fund;

(3) withholding the offer for sale of additional investment units.”

**Clause 3** This Notification shall come into force as from 1 February 2012.

Notified this 12<sup>th</sup> day of January 2012.

-signature-

(Vorapol Socratyanurak)

Secretary-General

Office of the Securities and Exchange Commission

Chairman

Capital Market Supervisory Board