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Notification of the Securities and Exchange Commission

No. KorKhor. 4/2555

**Re: Administrative Procedure under the Derivatives Act B.E. 2546 and the
Trust for Transactions in the Capital Market B.E. 2550
(No. 3)**

By virtue of the Section 9(1) and Section 124 of the Derivatives Act B.E. 2546 (2003) and Section 8(1) and Section 76 of the Trust for Transactions in Capital Market Act B.E. 2550 (2007) which contain certain provision in relation to the restriction of rights and liberties of persons which Section 29 in conjunction with Section 32, 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 Securities and Exchange Commission hereby issues the following regulations:

Clause 1. Provision in Clause 21, Clause 22 and Clause 23 of the Notification of the Securities and Exchange Commission No. KorKhor. 12/2551 Re: Administrative Procedure under the Derivatives Act B.E. 2546 and the Trust for Transactions in the Capital Market B.E. 2550 dated 13 October 2008 shall be repealed and replaced with the following provision:

“Clause 21 Department in charge of appeal consideration shall examine the appeal. If [the department in charge of appeal consideration] considers that the appeal does not contain particular under Clause 20, it shall propose to the Secretary-General to order the appellant to rectify the appeal within specified period.

In case where the department in charge of appeal consideration considers that the appeal was not filed within the period specified under Clause 19 or in case where the Secretary-General issued the order under the first paragraph, but the appellant failed to comply within the specified period, the matter shall be proposed to the Securities and Exchange Commission to order not to accept the appeal. A notice of such order shall be sent to the appellant.

Clause 22 When the department in charge of appeal consideration has examined an appeal that finds that it is not the case under Clause 21 or the appellant has rectified the appeal within period specified by order of the Secretary-General under the first paragraph of Clause 21, the department in charge of appeal consideration shall record the receipt of the appeal and shall issue a receipt or a notice of acceptance of the appeal, as the case may be, to the appellant.

The receipt or notice of acceptance of the appeal under the first paragraph shall include the date, month and year of such acceptance.

Clause 23 When an appeal has been accepted, the department in charge of appeal consideration shall prepare a memorandum on consideration of appeal which clearly identifies the matter of appeal or the argument brought by the appellant and shall demonstrate reasons or consideration in the process of issuing the administrative order which is the matter of appeal. The appeal and the memorandum on consideration of appeal shall then be proposed to the Securities and Exchange Commission for further consideration.”

Clause 2. Provision in Clause 29 of the Notification of the Securities and Exchange Commission No. KorKhor. 12/2551 Re: Administrative Procedure under the Derivatives Act B.E. 2546 and the Trust for Transactions in the Capital Market B.E. 2550 dated 13 October 2008 shall be repealed and replaced with the following provision:

“Department in charge of appeal consideration shall consider the motion under the first paragraph urgently and prepare an opinion to the Securities and Exchange Commission for further consideration, providing that Clause 27 shall, *mutatis mutandis*, be applicable.”

Clause 3. This Notification shall come into force as from 16 May 2012.

Notified this 25th day of April 2012.

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(Nawaporn Ruengsakul)
Chairman
Securities and Exchange Commission