

(UNOFFICIAL TRANSLATION)

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. Sor Thor. 50/2559
Re. Report Forms of Securities Business Operators and
Derivatives Business Operators**

By virtue of Section 109 of the *Securities and Exchange Act B.E. 2535 (1992)* and Section 14 and Section 19 of the *Derivatives Act B.E. 2546 (2003)* and Clause 1 of the *Notification of the Capital Market Supervisory Board No. Tor Thor. 59/2552 Re. Rules and Periods for Report Submission of Securities Companies* dated 3 August 2009, the SEC Office hereby issues the following regulations.

Clause 1 The following notifications shall be repealed:

- (1) *Notification of the Office of the Securities and Exchange Commission No. Sor Thor. 55/2546 Re. Report Forms of Securities Companies* dated 26 December 2003;
- (2) *Notification of the Office of the Securities and Exchange Commission No. Sor Thor. 20/2547 Re. Report Forms of Securities Companies (No. 2)* dated 25 May 2004;
- (3) *Notification of the Office of the Securities and Exchange Commission No. Sor Thor. 8/2549 Re. Report Forms of Securities Companies (No. 3)* dated 31 March 2006;
- (4) *Notification of the Office of the Securities and Exchange Commission No. Sor Thor. 16/2551 Re. Report Forms of Securities Companies (No. 4)* dated 4 June 2008;
- (5) *Notification of the Office of the Securities and Exchange Commission No. Sor Thor. 28/2552 Re. Report Forms of Securities Companies (No. 5)* dated 28 July 2009;
- (6) *Notification of the Office of the Securities and Exchange Commission No. Sor Thor. 54/2553 Re. Report Forms of Securities Companies (No. 6)* dated 15 December 2010;
- (7) *Notification of the Office of the Securities and Exchange Commission No. Sor Thor. 9/2549 Re. Report Preparation and Submission of Licensed Derivatives Brokers* dated 31 March 2006;
- (8) *Notification of the Office of the Securities and Exchange Commission No. Sor Thor. 27/2549 Re. Report Preparation and Submission of Licensed Derivatives Brokers (No. 2)* dated 29 June 2006;
- (9) *Notification of the Office of the Securities and Exchange Commission No. Sor Thor. 17/2551 Re. Report Preparation and Submission of Licensed Derivatives Brokers (No. 3)* dated 4 June 2008.

Clause 2 In this Notification:

“**business operator**” means a securities business operator or a derivatives business operators, but not including a business operator which is a commercial bank under the law on financial institution, a life insurance company under the law on life insurance or a financial institution established under other laws, as follows:

- (1) a securities company in the category of securities brokerage, securities dealing or securities underwriting, which is not limited to debt securities;
- (2) a securities company in the category of securities financing;
- (3) a securities company in the category of securities borrowing and lending;
- (4) a licensed derivatives business operator in the category of derivatives brokerage;

“*electronic data*” means data that are created, sent, received, stored or processed through electronic procedures;

“*business operator reporting system*” means an *electronic data* interchange provided by the SEC Office for filing reports to the SEC Office.

Clause 3 A *business operator* shall prepare and file reports of financial status and operating performance, securities business report, report of clients’ assets with the SEC Office using the forms annexed to this Notification within the schedules as follows:

(1) the *business operator* shall prepare reports of financial status and operating performance on a monthly basis, and file them with the SEC Office within the fourteenth day of the following month;

(2) the *business operator* shall prepare a securities business report on a monthly basis and file it with the SEC Office within the fourteenth day of the following month;

(3) the *business operator* shall prepare a report of clients’ assets on a monthly basis and file it with the SEC Office within the seventh day of the following month.

In this regard, *business operators* which have the duty to prepare and file the reports in Paragraph 1 shall prepare and file such reports even though there is none of any transaction during such period.

Clause 4 *Business operators* shall file reports in Clause 3. with the SEC Office in the electronic form through the *business operator reporting system* in accordance with the SEC Office of the Securities and Exchange Commission’s rule on the *electronic data* interchange, unless otherwise permitted by the SEC Office.

Clause 5 The following *business operators* shall be exempt from the duty to prepare and file reports under this Notification in the following criteria and conditions:

(1) any business operator, which ceases its business in all categories by regulation or order, and when the SEC Office has received notice in writing from the *business operator* or when the order has come into force, shall be exempt from preparing and filing reports for all categories, except report of clients’ assets as prescribed in Clause 3(3), commencing from the month in which the business operation ceases. Such exemption shall desist when such *business operator* has resumed its business operation. The *business operator* shall be exempt from preparing and filing reports of clients’ assets when it has no clients’ assets under its custody;

(2) any business operator, which ceases to undertake any particular category of its business by regulation or order, and when the SEC Office has received notice in writing from the *business operator* or the order has come into force, shall be exempt from preparing and filing only such reports relating to the business category as notified for cessation and the *business operator* must not have any relevant information of such report, commencing from the month in which cessation of such business takes place. Such exemption shall desist when the *business operator* has resumed its business operation;

(3) any business operator, which has not been permitted to operate business yet in any particular category, given the SEC Office’s ongoing process of inspection before operating business, shall be exempt from preparing and filing only such reports relating to the business category not permitted to operate. Such exemption shall desist when the *business operator* is granted an approval to start operating such business.

Clause 6 This Notification shall apply to the report preparation and filing from 1 January 2017.

Notified this 1st day of December 2016.

(Mr. Rapee Sucharitakul)
Secretary-General
Office of the Securities and Exchange Commission