

# **Securities and Futures (Short Selling) Regulations 2018**

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**No. S 328**

SECURITIES AND FUTURES ACT  
(CHAPTER 289)

SECURITIES AND FUTURES  
(SHORT SELLING) REGULATIONS 2018

In exercise of the powers conferred by sections 137ZM and 341 of the Securities and Futures Act, the Monetary Authority of Singapore makes the following Regulations:

PART 1

PRELIMINARY

**Citation and commencement**

**1.** These Regulations are the Securities and Futures (Short Selling) Regulations 2018 and come into operation on 1 October 2018.

**Definitions**

**2.—(1)** In these Regulations, unless the context otherwise requires —

“account holder” means a person registered as an account holder by the Authority under regulation 3(2);

“closing price”, in respect of any specified capital markets products or class of specified capital markets products that are traded on an approved exchange, means the final price —

- (a) at which the specified capital markets products, or the class of specified capital markets products, are traded on the approved exchange on a trading day; and
- (b) which is determined in accordance with the rules or practices of the approved exchange applicable to the specified capital markets products, or the class of specified capital markets products, as the case may be;

“corporation” includes a limited liability partnership;

“customer”, in relation to a fund manager, means a person for whom the fund manager carries on or will carry on fund management on a discretionary authority granted by the person;

“electronic online system” means the electronic online system established by the Authority to enable an account holder to submit any information required under regulations 8(1), 11(1), 12(3) and 13(2);

“fund manager” means a person, whether in Singapore or elsewhere, which carries on fund management by undertaking on behalf of a customer, on a discretionary authority granted by the customer, the management of a portfolio of capital markets products which includes any specified capital markets products;

“position day”, in relation to any specified capital markets products that are traded on an approved exchange, means the last day of each week on which the approved exchange is open for the trading of the specified capital markets products;

“public agency” means —

- (a) any —
  - (i) ministry or department of the Government;
  - (ii) statutory body established under a public Act for a public purpose; or
  - (iii) board, commission, committee or similar body, whether corporate or unincorporate, established under a public Act for a public purpose; and
- (b) any —

- (i) ministry or department of the government of any foreign country or territory; or
- (ii) board, commission, committee or similar body, whether corporate or unincorporate, established under the law of any foreign country or territory for a public purpose;

“segmented short position day” means the most recent position day of specified capital markets products on or after the day on which a segmented short position of those specified capital markets products is incurred;

“segmented short sell order” —

- (a) in relation to a corporation with 2 or more trading desks, means an order made by the corporation through one of the trading desks to sell a quantity, volume or value of any specified capital markets products, where the trading desk does not, at the time of the order, manage such quantity, volume or value of specified capital markets products;
- (b) in relation to a person who is a customer of one or more fund managers, means —
  - (i) an order made by the person’s fund manager or one of the person’s fund managers (as the case may be) to sell a quantity, volume or value of any specified capital markets products for the person, where the fund manager does not, at the time of the order, manage such quantity, volume or value of specified capital markets products for the person; or
  - (ii) an order made by the person for the person’s own account (whether directly or indirectly through an agent) to sell a quantity, volume or value of any specified capital markets products, where the person does not, at the time of the order, have an interest in such quantity, volume or value of specified capital markets products; and
- (c) in relation to a person who is the trustee of a trust, means an order made by the person (as the trustee of the trust) to sell a quantity, volume or value of any specified capital markets products in which the person (as the trustee of the trust) does not, at the time of the order, have an interest in such quantity, volume or value of specified capital markets products;

“short position threshold” has the meaning as in regulation 7;

“stock code”, in relation to any specified capital markets products traded on an approved exchange, means the code assigned by the approved exchange to the specified capital markets products for purposes of identification;

“trading desk”, in relation to a corporation, means a separate and distinct department, division, section or unit of the corporation at which decisions to buy or sell any specified capital markets products are made in the ordinary course of business of the corporation;

“week” means a continuous period of 7 days commencing on a Monday.

(2) In these Regulations, “segmented short position” —

- (a) in relation to a corporation with 2 or more trading desks, means the amount by which the quantity, volume or value of any specified capital markets products in which the corporation has an interest and are managed by one of the trading desks, is less than the quantity, volume or value of the specified capital markets products that the corporation is under an obligation to deliver through the trading desk;
- (b) in relation to a person who is a customer of one or more fund managers, means —
  - (i) the amount by which the quantity, volume or value of any specified capital markets products in which the person has an interest and are managed by the person’s fund manager or one of the person’s fund managers (as the case may be) for the person, is less than the quantity, volume or value of the specified capital markets products that the fund manager is under an obligation to deliver for the person; or
  - (ii) the amount by which the quantity, volume or value of any specified capital markets products in which the person has an interest and are managed by the person for the person’s own account, is less than the quantity, volume or value of the specified capital markets products that the person is under an obligation to deliver for the person’s own account; and
- (c) in relation to a person who is the trustee of a trust, means the amount by which the quantity, volume or value of any specified capital markets products in which the person has an interest under the trust, is less than the quantity, volume or value of the specified capital markets products which