

# **Financial Advisers (Structured Deposits — Prescribed Investment Product and Exemption) Regulations 2005**

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**No. S 775**

## **FINANCIAL ADVISERS ACT (CHAPTER 110)**

### **FINANCIAL ADVISERS (STRUCTURED DEPOSITS — PRESCRIBED INVESTMENT PRODUCT AND EXEMPTION) REGULATIONS 2005**

In exercise of the powers conferred by sections 2 (1) (definition of “investment product”), 100(1) and 104 of the Financial Advisers Act, the Monetary Authority of Singapore hereby makes the following Regulations:

#### **Citation and commencement**

1. These Regulations may be cited as the Financial Advisers (Structured Deposits — Prescribed Investment Product and Exemption) Regulations 2005 and shall come into operation on 2nd December 2005.

#### **Definitions**

2. In these Regulations, unless the context otherwise requires —

“bank” means a bank in Singapore or a merchant bank;

“bank in Singapore” has the same meaning as in section 2(1) of the Banking Act (Cap. 19);

“credit derivative” means a financial contract which is designed to transfer credit risk on loans or other assets between 2 parties;

“credit event”, in relation to a credit derivative, means any event agreed upon between the contracting parties to the credit derivative which triggers a payout or delivery of assets under the credit derivative;

“deposit” means —

(a) a deposit as defined in section 4B of the Banking Act (Cap. 19), in a case where the deposit is accepted by a bank; or

(b) a deposit as defined in section 2 of the Finance Companies Act (Cap. 108), in a case where the deposit is accepted by a finance company as defined in that section of that Act;

“dual currency investment” means a deposit which is accepted in one currency and which may be repayable in another currency;

“merchant bank” means a merchant bank approved under section 28 of the Monetary Authority of Singapore Act (Cap. 186);

“structured deposit” means —

(a) a deposit under which any interest or premium is payable, or is at risk, in accordance with a formula which is based on —

(i) the performance of any financial instrument or securities as defined in section 2(1) of the Securities and Futures Act (Cap. 289); or

(ii) the occurrence of any credit event in respect of a credit derivative —

(A) to which the bank or the finance company, as the case may be, is a contracting party; or

(B) from which the bank or the finance company, as the case may be, would enjoy a benefit or incur a loss; or

(b) a dual currency investment.