

# **Securities and Futures (Financial and Margin Requirements for Holders of Capital Markets Services Licences) (Amendment) Regulations 2005**

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**No. S 372**

## **SECURITIES AND FUTURES ACT (CHAPTER 289)**

### **SECURITIES AND FUTURES (FINANCIAL AND MARGIN REQUIREMENTS FOR HOLDERS OF CAPITAL MARKETS SERVICES LICENCES) (AMENDMENT) REGULATIONS 2005**

In exercise of the powers conferred by sections 86 (3), 100 and 341 of the Securities and Futures Act, the Monetary Authority of Singapore hereby makes the following Regulations:

### **Citation and commencement**

1. These Regulations may be cited as the Securities and Futures (Financial and Margin Requirements for Holders of Capital Markets Services Licences) (Amendment) Regulations 2005 and shall come into operation on 1st July 2005.

### **Amendment of regulation 2**

2. Regulation 2 of the Securities and Futures (Financial and Margin Requirements for Holders of Capital Markets Services Licences) Regulations (Rg 13) (referred to in these Regulations as the principal Regulations) is amended —

- (a) by inserting, immediately after the words “on account of the customer” in paragraph (b) of the definition of “aggregate indebtedness”, the words “and maintained in a trust account”; and
- (b) by inserting, immediately after the words “(as the case may be)” in the last line of the definition of “base capital”, the words “and any dividend that has been declared since the latest audited accounts of the corporation or the holder (as the case may be)”.

### **Amendment of regulation 24**

3. Regulation 24 of the principal Regulations is amended —

- (a) by deleting the words “average free financial resources” in paragraph (3)(a), (b) and (c) and substituting in each case the words “free financial resources”;
- (b) by inserting, at the end of paragraph (3)(b), the word “and”;
- (c) by deleting the word “; and” at the end of paragraph (3)(c) and substituting a full-stop;
- (d) by deleting sub-paragraph (d) of paragraph (3);
- (e) by deleting paragraph (4); and
- (f) by deleting the definition of “average free financial resources” in paragraph (6).

### **Deletion and substitution of regulation 26**

4. Regulation 26 of the principal Regulations is deleted and the following regulation substituted therefor:

**“Forms**

26.—(1) The forms to be used for the purposes of these Regulations are those set out at the Authority’s Internet website at <http://www.mas.gov.sg> (under “Legislation and Notices”, “Securities and Futures”), and any reference in these Regulations to a numbered form shall be construed as a reference to the current version of the form bearing the corresponding number which is displayed at that website.

(2) Except as otherwise provided in regulation 27(8), any document required to be lodged with the Authority under any provision of the Act or these Regulations, shall be lodged using the relevant form and in the manner specified in the website referred to in paragraph (1), or in such other manner as the Authority may specify from time to time.

(3) All forms used for the purposes of these Regulations shall be completed in the English language and in accordance with such directions as may be specified in the form or by the Authority.

(4) The Authority may refuse to accept any form if it is not completed or lodged in accordance with this regulation.”.

**Amendment of regulation 27**

5. Regulation 27 of the principal Regulations is amended by deleting paragraphs (6), (7) and (8) and substituting the following paragraphs:

“(6) Every statement referred to in paragraph (1), (2), (3) or (5) shall be lodged with the Authority no later than 14 days, or such longer period as the Authority may allow, after the end of the period for which the statement is prepared.

(7) Any holder of a licence which fails to lodge any of the statements with the Authority within the period stipulated in paragraph (6), or such longer period as may be allowed by the Authority under that paragraph, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 and, in the case of a continuing offence, to a further fine not exceeding \$5,000 for every day or part thereof during which the offence continues after conviction.

(8) For the purposes of section 107 of the Act, the holder of a licence shall prepare and lodge with the Authority, by personal delivery or by pre-paid post, a true and fair profit and loss account and a balance-sheet made up to the last day of each financial year in accordance with the provisions of the Companies Act (Cap. 50), together with an auditor’s report in Form 7.