

This chapter attempts to simplify and standardise the verification process at the ADA. To this end, Depository sets out the list of people, termed “acceptable witnesses”, who may perform, among others, witnessing and certification functions for the depositor / Authorised Depository Agent.

Any one of these acceptable witnesses may witness / certify relevant CDS forms and supporting documents which are required by Depository. Relevant cases may be those involving:-

a. Jurat Clause

Where a CDS form has been executed by a person who is not able to read or understand the content of the form, an acceptable witness, after having explained and interpreted the form’s contents to the depositor, affixes a jurat clause and signs on it.

A sample of a Jurat Clause is stated below:-

I (NRIC No.) have distinctly, clearly and audibly interpreted the above in the language/dialect to the abovenamed person who seemed to clearly understand the above and who made his/her mark in my presence.

Signed by

b. Transmission of Title

In the event of a death or bankruptcy of a CDS depositor or the winding-up of a corporation, the certification of relevant supporting documents by an acceptable witness is required prior to submission of those documents and the requisite CDS form to Depository.

c. Witnessing / certification of certain CDS forms and supporting documents, except as otherwise stated in this procedures manual

For example, a written request by a depositor to update his account particulars will require the certification of the supporting document provided, e.g. copy of NRIC, by an acceptable witness prior to the request being approved and processed by the ADA.

d. Certified translated copies of documents in a foreign language

Where a supporting document in a foreign language has been provided, it must be accompanied with an English translated copy. Both documents, i.e. the foreign document and the English copy, must be certified by an acceptable witness prior to submission to the ADA / Depository.

Please note that the examples provided above are for illustration purposes only and are not meant to be exhaustive in nature. Depository may, from time to time, introduce new procedures which require the witnessing and certification functions of an acceptable witness.

9.1 List Of Acceptable Witnesses

9.1.1 The following are a list of acceptable witnesses who may witness/certify relevant CDS forms and supporting documents submitted by depositor / authorised signatory(ies) except as otherwise stated in this procedures manual:-

- a. Authorised officers of the ADA;
 - b. Individual who holds a Capital Markets Services Representative's Licence pursuant to section 59(1) of the Capital Markets and Services Act 2007 to act as a representative for dealing in securities;
 - c. Authorised officers of a Malaysian Embassy / High Commission Consulate;
 - d. Notary Public in any jurisdiction;
 - e. Lawyer in any jurisdiction who has a valid licence to practice law in that jurisdiction;
 - f. In relation to a stockbroking company licenced or approved to trade on a recognised stock exchange as defined in the Rules of the Stock Exchange, any person who holds a licence held by a dealer's representative or any other person authorised by such licenced stockbroking company;
 - g. Authorised officer of
 - a. a licenced bank as defined in the Financial Services Act 2013; or
 - b. an Islamic bank licenced under the Islamic Financial Services Act 2013,and with which the individual holds an account;
 - h. Registered Representative registered pursuant to the Guidelines for Registered Person (Registered Representative) issued by the Securities Commission;
 - i. Officer of a registered person referred to under the third column of Item 1(b) of Part 1 of Schedule 4 to the Capital Markets and Services Act 2007, who is authorised by such registered person to perform the activities referred to under the second column of the said item 1(b);
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- j. District Officer / Assistant District Officer; or
- k. Such other person may be approved by Depository from time to time.

9.1.2 The name and designation of the witness must be stated by the person witnessing the depositor / authorised signatory(ies)' signature(s).

EXCEPTION

Please note that the above List Of Acceptable Witnesses in Section 9.1 does not apply in relation to verifying the applicant's identity and the authenticity of the application as required pursuant to Rule 5.02A of the Rules of Bursa Depository. The ADA is required to refer to item 4.1.1.1 (b) in this procedures manual for the list of witnesses who may witness or certify forms and documents for opening of CDS accounts..

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