

APPLICATION FORM FOR REGISTRATION OF BURSA MALAYSIA DERIVATIVES CLEARING BERHAD PARTICIPANTSHIP

1. Particulars of the Applicant's Corporation

| | | |
|---|-------------------------|--------------|
| Corporation's Name (in Full) | | |
| Date of Incorporation | | |
| Country of Incorporation | | |
| Company Registration Number | (New) | (Old) |
| Principal Business | | |
| Registered Address (please notify us of any changes of address immediately) | | |
| | Official Website | |
| | Tel | |
| | Fax | |
| | E-mail | |
| Business Address (please notify us of any changes of address immediately) | | |
| | Tel | |
| | Fax | |
| | E-mail | |
| Paid-Up Capital (RM) | | |
| Shareholder's Fund Unimpaired by Losses [Refer to Guidance Notes 3 (i) or (ii)] | | |

2. List of Shareholding in other Corporations

(please do include in as attachment if there are more than column provided)

| Name of Corporation | Nature of Business | % Shareholding |
|---------------------|--------------------|----------------|
| | | |
| | | |
| | | |
| | | |

3. Shareholders' Profile

| Full Name | Country of Incorporation | Number of Shares | Percentage Holdings (%) |
|-----------|--------------------------|------------------|-------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

4. Directors

| Full Name | NRIC/ Passport Number | Proposed Designation |
|-----------|-----------------------|----------------------|
| | | |
| | | |
| | | |

5. Point of Contact

| Full Name (& E-mail address) | Designation | Office Contact Number | Fax |
|------------------------------|-------------|-----------------------|-----|
| | | | |
| | | | |
| | | | |
| | | | |

6. Declaration

The applicant declares that all the information provided here, including the information contained in the enclosed documents are true and correct to the best of its knowledge and belief.

The applicant acknowledges that the Market Participants Committee has absolute discretion in admitting participants to Bursa Malaysia Derivatives Clearing Berhad and that the acceptance of this application form does not constitute admission to participantship.

| | |
|---|---|
| <hr/> <p>Full Name and Signature of Authorised Director</p> | <hr/> <p>Full Name and Signature of Company Secretary</p> |
|---|---|

Dated this

UNDERTAKING FOR ADMISSION AS CLEARING PARTICIPANT

In consideration of the Clearing House approving at our request our application for admission of (hereinafter referred to as "the Company") as a _____ of the Clearing House in accordance with the Rules of the Clearing House ("Rules" and includes all amendments and supplements to the Rules), we hereby irrevocably and unconditionally undertake and agree as follows:-

- (1) that the Company satisfies all the conditions for admission as a _____ set out in Chapter 3 of the Rules;
- (2) that the information and documents accompanying the application for admission as a Clearing Participant are complete and accurate;
- (3) that the Clearing House may obtain from or provide to any regulatory authority (whether in or out of Malaysia) any information directly or indirectly relating to the Company for any purpose relating to or in connection with discharging any function of the Clearing House or that regulatory authority;
- (4) to notify the Clearing House immediately in writing of any changes in the information given together with the application for admission as a Clearing Participant;
- (5) to abide by the decision of the Clearing House in relation to the application for admission as a Clearing Participant;
- (6) to be bound in all respects by and to comply with the Rules in so far as they apply directly or indirectly to a Clearing Participant;
- (7) to indemnify and keep the Clearing House fully indemnified from and against all losses, damages, costs, expenses, actions and claims or otherwise which the Clearing House may incur arising out of any act or omission on our part or failure by us to comply with any provisions in the Rules; and
- (8) notwithstanding our ceasing to be a Clearing Participant of the Clearing House for any reason whatsoever, to continue to be bound by the Rules in so far as they may relate to any act or omission that we may, in the opinion of the Clearing House, have committed or omitted to do during our tenure as a Clearing Participant of the Clearing House.

We acknowledge that:

- (a) the approval of our application for admission as a Clearing Participant; or
 - (b) any indulgence or delay in making any demand or instituting any action by the Clearing House,
- will not constitute or be deemed to operate as a waiver by the Clearing House of any of its rights under this undertaking or under the Rules.

We further acknowledge that the Company shall remain a Clearing Participant of the Clearing House at the discretion of the Clearing House.

The above undertaking has been signed by me/us for and on behalf of the Company as _____ [*specify designation*] of the Company pursuant to authority granted to me/us by resolution of the board of directors of the Company on

| | |
|-----------------------------------|--|
| Signature | |
| Full Name of Authorised Person(s) | |
| Designation | |
| Date | |
| Company stamp | |
| In the presence of | |

GUIDELINES FOR APPLICATION FOR REGISTRATION AS CLEARING PARTICIPANT

1. PLEASE DO SUBMIT THE APPLICATION AND ITS SUPPORTING DOCUMENTS TO THE FOLLOWING:

Hard Copy Submission

Head, Participants Affairs
Participants Supervision
Regulation
Bursa Malaysia Berhad
11th Floor, Exchange Square
50200 Kuala Lumpur
pa@bursamalaysia.com

General Correspondence

Tel: (603) 2732 4999 or (603) 2034 7000
Fax: (603) 2026 3691

2. DOCUMENTATIONS REQUIRED

The applicant shall submit to Bursa Malaysia Derivatives Clearing Berhad the following:

a) **Completed application** (Please complete all sections of the form in full. **These documents must be typewritten**):

- i. Application Form
- ii. Undertaking for Admission as Clearing Participant
- iii. Confirmation of payment of registration fee
- iv. Supporting documents

b) **Company's Information** (Supporting Documents)

Attached together with the forms certified true copies of the applicant's of which inclusive of the following (or equivalent) but not limited to the list below:

- 1) Duly certified true copy of the latest Memorandum and Articles of Association/Constitution/Written confirmation signed by a director confirming that the Company does not have Constitution;
- 2) Duly certified true copy of the Certificate of Incorporation of Company;
- 3) Duly certified true copy of latest Certificate of Incorporation On Change of Name of Company, if relevant;
- 4) Duly certified true copy of the latest Return of allotment of shares;
- 5) Duly certified true copy of latest Notice Of Situation Of Registered Office And Of Office Hours And Particulars Of Changes, if relevant;
- 6) Duly certified true copy of latest Particulars of Directors, Managers and Secretaries;
- 7) Duly certified true copy of latest Annual Returns;
- 8) Duly certified true copy of the resolution of the Board of Directors of the applicant authorising the making of this application;
- 9) Duly certified true copy of its previous two (2) financial year's audited statements; if applicant is a new setup, holding company to provide latest two (2) Audited Financial Statements; and
- 10) Any other documents that may be required by Bursa Malaysia Derivatives Clearing Berhad from time to time.

3. GUIDANCE NOTES

All applicants are requested to carefully study the Rules and Directives of Bursa Malaysia Derivatives Clearing Berhad before submitting their application. The Rules and Directives set out the rights and obligations of all Participants of all Clearing Participants.

i) **Eligibility – General Clearing Participant**

To be eligible for admission as a General Clearing Participant, an applicant must:

- a) be a corporation with the requisite financial and business standing and repute;
- b) have a minimum issued and paid-up capital and shareholders' fund unimpaired by losses of RM10 million ("the Minimum Capital Requirements") or where applicable, the following, if the requirements are higher than the Minimum Capital Requirements:
 - i) for an entity licensed by the Central Bank, as determined by the Central Bank;
 - ii) for an entity which is a Participating Organisation of the Stock Exchange, as determined by the Stock Exchange;
- c) have sufficient resources and adequate systems for the proper performance of the business of Clearing including maintaining adequate staff and facilities and in particular:
 - i) ensuring orderly and expeditious accounting of its business of Clearing and timely reporting and reconciliation of all transactions;
 - ii) preserving a sound liquidity and financial position at all times;
 - iii) maintaining sufficient liquidity for its day to day operations; and
 - iv) ensuring an adequate risk management framework;
- d) Meet the minimum financial requirement pursuant to Rule 3.18;
- e) Hold a valid Capital markets Services Licence for carrying on the business of Clearing;
- f) Lodge a Security Deposit in accordance with Rule 3.15;
- g) Lodge a Clearing Fund Contribution in accordance with Rule 3.17;
- h) Make payment to the Clearing House of such admission fee as may be determined by the Clearing House; and
- i) Meets such other criteria as may be determined by the Clearing House.

ii) **Eligibility – Direct Clearing Participant**

To be eligible for admission as a Direct Clearing Participant, an applicant must:

- a) be a corporation with the requisite financial and business standing and repute;
- b) have a minimum issued and paid-up capital of RM2 million and shareholders' funds unimpaired by losses of at least RM2 million or such other amounts as the Clearing House may prescribed;

- c) have sufficient resources and adequate systems for the proper performance of the business of Clearing, including maintaining adequate staff and facilities and in particular:
 - (i) Ensuring orderly and expeditious accounting of its business of Clearing and timely reporting and reconciliation of all transactions;
 - (ii) Preserving a sound liquidity and financial position at all times;
 - (iii) Maintaining sufficient liquidity for its day to day operations; and
 - (iv) Ensuring an adequate risk management framework;
- d) Meet the minimum financial requirements pursuant to Rule 3.19;
- e) Lodge a Security Deposit in accordance with Rule 3.15;
- f) Lodge a Clearing Fund Contribution in accordance with Rule 3.17;
- g) Lodge a Direct Clearing Participant Deposit in accordance with Rule 3.16;
- h) Make payment to the Clearing House of such admission fee as may be determined by the Clearing House; and
- i) Meet such other criteria as may be determined by the Clearing House.

iii) **Approval-in-Principle**

Where the application is successful, Bursa Malaysia Derivatives Clearing Berhad will grant its approval-in-principle for the admission of the company as General/Direct Clearing Participant of Bursa Malaysia Derivatives Clearing Berhad subject to the applicants' meeting amongst others, the following:

- (a) The applicant being registered as a participant of Bursa Malaysia Derivatives Berhad
 - i) The applicant has successfully undergone the relevant readiness assessment to be conducted by Bursa Malaysia Derivatives Clearing Berhad;
 - ii) Lodgment of RM1,000,000 Security Deposit with Bursa Malaysia Derivatives Clearing Berhad;
 - iii) Fixed Clearing Fund Contribution of RM1,000,000 to Bursa Malaysia Derivatives Clearing Berhad's Fund;
- (b) Payment of the registration fees e.g. RM50,000 registration fee (General Clearing Participant) or RM10,000 registration fees (Direct Clearing Participant);
 - i) The applicant executing the prescribed tripartite settlement bank agreement between the applicant, Bursa Malaysia Derivatives Clearing Berhad and the settlement bank;
 - ii) The applicant complying with the requirement of the Rules of Bursa Malaysia Derivatives Clearing Berhad including any directives, notices, circulars, guidelines and schedules issued by Bursa Malaysia Derivatives Clearing Berhad and with other laws, rules and procedures that are applicable to it;

iv) **Readiness Assessment**

The applicant is required to undergo a readiness assessment, which scope, criteria and manners will be prescribed by the Bursa Malaysia Derivatives Clearing Berhad.

v) **Registration with Bursa Malaysia Derivatives Clearing**

Once the applicant has duly completed all the conditions and the requirement of the Rules of Bursa Malaysia Derivatives Clearing Berhad and other conditions imposed when approving the application, it will be registered as a General/Direct Clearing Participant of Bursa Malaysia Derivatives Clearing Berhad.

vi) **Fees applicable for General Clearing Participant**

| Type | Amount |
|--|---|
| Registration Fee (one off non-refundable) | RM50,000.00 |
| Annual Fee | RM6,000.00 (waived for General Clearing Participant who are Trading Participant of Bursa Malaysia Derivatives Berhad until further notice) |

vii) **Fees applicable for Direct Clearing Participant**

| Type | Amount |
|--|-------------|
| Registration Fee (one off non-refundable) | RM10,000.00 |