

## ANNEXURE 2

### PROPOSED AMENDMENTS IN RELATION TO ENFORCEMENT PROCEEDING TO BURSA MALAYSIA SECURITIES BERHAD MAIN MARKET LISTING REQUIREMENTS

#### Proposal 5.1

Reflection of the current practice on full enforcement proceeding

#### 16.26 Procedures

The Exchange will determine the procedures applicable to any enforcement action taken under this Chapter. Such procedures may vary to adapt to the circumstances of any particular case.

[Cross reference: Practice Note 30]

*[Please also refer to **Part I of the new proposed Practice Note 30** attached for further proposed amendments on the full enforcement proceeding]*

#### Proposal 5.2

Reflection of the expedited proceeding

*[Please refer to **Part II of the new proposed Practice Note 30** attached for proposed amendments on the expedited proceeding]*

#### Proposal 5.3

Providing for appeal process & fees

#### 16.01 Introduction

(1) This Chapter sets out the following:

- (a) the requirements that must be complied with by a listed issuer in respect of voluntary suspension and withdrawal by the listed issuer from the Official List; and
- (b) the powers of the Exchange with regard to -
  - (i) trading halt, suspension and de-listing of a listed issuer or any class of its listed securities by the Exchange; and
  - (ii) enforcement of these Requirements.

## Annexure 2 - Main LR Proposed Amendments

(2) For the purpose of this Chapter, where the context permits, enforcement proceeding includes an appeal by a person against a decision resulting from an enforcement action taken under this Chapter.

### **16.27 Right of appeal**

(1) A person who is dissatisfied with a decision resulting from an enforcement action taken under this Chapter may appeal against such decision in the manner prescribed by the Exchange from time to time.

*[Cross reference: Practice Note 30]*

(2) The Exchange may suspend the enforcement of any such decision that is the subject of the appeal until the disposal of the appeal.

### **Schedule of Fees**

#### **10. Processing/administrative fees**

##### 10.1 Subdivision of shares

For the processing of applications for subdivision of shares, a listed issuer must pay RM10,000 upon submission of the application.

##### 10.2 Application for waiver/modification/extension of time of the provisions of the Listing Requirements

For the processing of applications for waiver/ modification/ extension of time, a listed issuer must pay RM2,000 upon submission of the application.

##### 10.3 Appeal against enforcement decision

For an appeal against the Exchange's enforcement decision under Chapter 16 of the Listing Requirements, the appellant must pay an administrative fee of RM2,000 when submitting a notice of appeal. The administrative fee is not refundable unless -

(a) the person informs the Exchange in writing of the withdrawal of the appeal before the deliberation of the appeal; or

(b) the appeal is successful.

*[Please refer to **Part III of the new proposed Practice Note 30** attached for further proposed amendments on appeals]*

#### **Proposal 5.4**

#### **Insertion of provisions on agreed settlement**

### **16.29 Agreed settlement**

(1) A person who is the subject of an enforcement proceeding by the Exchange may, at any time before the Exchange makes a decision, propose a settlement of the enforcement proceeding by agreeing to a set of facts, liability or penalty with the Exchange.

## Annexure 2 - Main LR Proposed Amendments

- (2) The Exchange may reject, accept or vary the proposed settlement based on terms that it deems fit.
- (3) Where the Exchange accepts the proposed settlement, the settlement will be recorded as a decision of the Exchange.
- (4) If the Exchange is not agreeable to the proposed settlement, the Exchange may pursuant to paragraph 16.26, proceed with a full enforcement proceeding.
- [Cross reference: Practice Note 30]*
- (5) Any representation, information or document provided by the person in the course of negotiating the proposed settlement will not be used as evidence against that person without the person's consent.

### **Proposal 5.5**

#### **Clarification on unpaid fine as a debt owing to the Exchange**

### **16.28 Unpaid fine a debt owing to the Exchange**

A fine or any portion of a fine or cost ordered by the Exchange, remaining unpaid by a person is a debt owing by the person to the Exchange.

### **Proposal 5.6**

#### **Clarification on the Exchange's right to allow request for oral representation etc.**

### **16.25 ~~Rights of person~~**

~~The person who is the subject of enforcement proceedings by the Exchange may request for an oral hearing before the Exchange, make submissions and procure the attendance of witnesses to answer the case made against him by the Exchange. [\[Deleted\]](#)~~

*[Please refer to **Part IV of the new proposed Practice Note 30** attached for proposed amendments on oral representation]*

### **Proposal 5.7**

#### **Clarification on persons to bear the cost of proceedings**

### **16.30 Cost of proceedings**

- (1) The Exchange may, at the conclusion of an enforcement proceeding and appeal, require the person against whom the enforcement action is taken or the appellant, as the case may be, to bear all or part of the costs incurred in connection with such enforcement action or appeal.

## Annexure 2 - Main LR Proposed Amendments

- (2) All such costs shall be paid by the person against whom the enforcement action is taken or the appellant, as the case may be, within the time stipulated by the Exchange.

### Proposal 5.8

#### Clarification on standard of proof

### 16.31 Standard of proof

The Exchange will not find an allegation proven unless the Exchange is satisfied that the allegation is proven on the balance of probabilities.

### Proposal 5.9

#### Clarification on the Exchange's power to publish enforcement action

### 16.21A Publication of enforcement action

The Exchange shall have the power to publish to the public, any action taken against any person under these Requirements in any manner as the Exchange deems fit or expedient.

### Proposal 5.10

#### Clarification on obligation to comply and give effect to the Exchange's decision

## 2.04 Obligation to comply

- (1) A listed issuer, whether or not admission of its securities has taken place before these Requirements are prescribed, is, by virtue of its admission to the Official List, bound by these Requirements and the Rules of the Exchange.
- (2) A listed issuer, a management company, a trustee, its directors, officers, advisers or any other person to whom these Requirements are directed must —
- (a) comply with these Requirements for so long as the listed issuer or its securities remain listed on the Official List. This applies even during periods when the listed issuer's securities are suspended from trading; and
- (b) comply and give effect to any decision made, conditions imposed, and instruction or directive issued, by the Exchange, within the time stipulated by the Exchange.

**Proposal 5.11**

**Clarification on the Exchange's power to deal with documents**

**2.16 Documents forwarded to the ~~The~~ Exchange's power to deal with documents**

(1) All documents and information (including confidential document and information) forwarded to or procured by the Exchange will become and remain the property of the Exchange.

(2) ~~which~~ The Exchange may, in its absolute discretion, deal with the ~~m~~ -document and information as it wishes including copying, storing in a retrieval system, transmitting to the public, publishing or disclosing all or any part of the documents and forwarding copies to any stock exchange, relevant government bodies, -or authorities, or any ~~expert or consultant acting in a professional capacity for and on behalf of the Exchange.~~ such persons as the Exchange deems fit.

**Proposal 5.12**

**Clarification on the types of actions/penalties**

**16.19 Types of actions or penalties**

(1) Without prejudice to any of the powers granted to the Exchange under any written law in relation to the enforcement of these Requirements, the types of action or penalty that the Exchange may take or impose for a breach of these Requirements include any one or more of the following:

(a) in relation to applicants, listed issuers, management companies or trustees -

(vi) imposition of one or more condition(s) for compliance including issuance of a directive to take such steps to remedy or mitigate the breach by making restitution or compensation to any person aggrieved by such breach;

(b) in relation to directors or officers of an applicant, a listed issuer, management company or trustee, a Controlling Person as defined in paragraph 2.22, or any other person to whom these Requirements are directed -

(vi) imposition of one or more condition(s) for compliance including issuance of a directive to take such steps to remedy or mitigate the breach by making restitution or compensation to any person aggrieved by such breach;

(c) in relation to advisers -

(vi) imposition of one or more condition(s) for compliance including issuance of a directive to take such steps to remedy or mitigate the breach by making restitution or compensation to any person aggrieved by such breach;

**Proposal 5.13**

**Other amendments for clarification purpose**

**16.14 ~~Provision of information by directors~~**

~~Where a listed issuer or management company makes an enquiry with any one of its directors for the purpose of making a disclosure pursuant to these Requirements, such director must provide information promptly to the listed issuer or management company that -~~

- ~~(a) is clear, unambiguous and accurate;~~
- ~~(b) does not contain any material omission; and~~
- ~~(c) is not false or misleading. [Deleted]~~

**15.03A Provision of information by directors**

Where a listed issuer or management company makes an enquiry with any one of its directors for the purpose of making a disclosure pursuant to these Requirements, such director must provide information promptly to the listed issuer or management company that -

- (a) is clear, unambiguous and accurate;
- (b) does not contain any material omission; and
- (c) is not false or misleading.

**16.15 ~~Attendance before the Exchange~~**

~~The directors, officers, employees or advisers of a listed issuer, management company, trustee or any other person to whom these Requirements are directed must, if so required by the Exchange, attend personally before the Board, any committee or officer(s) of the Exchange to provide any document, information and/or explanation for any purpose deemed appropriate by the Exchange and the Exchange may record statements from such persons. [Deleted]~~

**2.18B Attendance before the Exchange**

The directors, officers, employees or advisers of a listed issuer, management company, trustee or any other person to whom these Requirements are directed must, if so required by the Exchange, attend personally before the Board, any committee or officer(s) of the Exchange to provide any document, information and/or explanation for any purpose deemed appropriate by the Exchange and the Exchange may record statements from such persons

**16.16 Power to obtain documents**

The Exchange may, ~~for investigation purposes~~ arising from or in relation to its investigation, and/or enforcement or both -

- (a) by notice in writing require an applicant, a listed issuer, management company, trustee or their directors, officers, employees or advisers, or any other person to whom these Requirements are directed, to produce for inspection any documents, books, papers, registers, records or accounts (whether recorded in documentary or electronic form) (referred to collectively as “**Information**” in

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this Part D) that are held by the person concerned or to which the person concerned has control or access over;

- (b) inspect and make copies of, or take notes from, such Information;
- (c) retain such Information for such periods as the Exchange deems fit; or
- (d) disclose or forward such Information to such authorities or parties as the Exchange deems fit.

### **16.23** ~~Notification by the Exchange~~ Reference of conduct to other authorities

The Exchange may, at any time, and in its absolute discretion, refer the conduct of any applicant, listed issuer, management company, trustee or its directors, officers, advisers or any other person to whom these Requirements are directed, to any relevant authority or professional body, without giving notice to such persons.

*[Please see the proposed Practice Note 30 attached for further proposed amendments]*

**PROPOSED AMENDMENTS IN RELATION TO ENFORCEMENT PROCEEDING  
TO BURSA MALAYSIA SECURITIES BERHAD  
ACE MARKET LISTING REQUIREMENTS**

**Proposal 5.1**

**Reflection of the current practice on full enforcement proceeding**

**16.26 Procedures**

The Exchange will determine the procedures applicable to any enforcement action taken under this Chapter. Such procedures may vary to adapt to the circumstances of any particular case.

[Cross reference: Guidance Note 21]

*[Please also refer to **Part I of the new proposed Guidance Note 21** attached for further proposed amendments on the full enforcement proceeding]*

**Proposal 5.2**

**Reflection of the expedited proceeding**

*[Please refer to **Part II of the new proposed Guidance Note 21** attached for proposed amendments on the expedited proceeding]*

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**16.01 Introduction**

(1) This Chapter sets out the following:

- (a) the requirements that must be complied with by a listed corporation in respect of voluntary suspension and withdrawal by the listed issuer from the Official List; and
- (b) the powers of the Exchange with regard to -
  - (i) trading halt, suspension and de-listing of a listed corporation or any class of its listed securities by the Exchange; and
  - (ii) enforcement of these Requirements.

(2) For the purpose of this Chapter, where the context permits, enforcement proceeding includes an appeal by a person against a decision resulting from an enforcement action taken under this Chapter.

**16.27 Right of appeal**

(1) A person who is dissatisfied with a decision resulting from an enforcement action taken under this Chapter may appeal against such decision in the manner prescribed by the Exchange from time to time.

*[Cross reference: Guidance Note 21]*

(2) The Exchange may suspend the enforcement of any such decision that is the subject of the appeal until the disposal of the appeal.

**Schedule of Fees**

**6. Processing/administrative fees**

**6.6 Appeal against enforcement decision**

For an appeal against the Exchange's enforcement decision under Chapter 16 of the Listing Requirements, the appellant must pay an administrative fee of RM2,000 when submitting a notice of appeal. The administrative fee is not refundable unless -

(a) the person informs the Exchange in writing of the withdrawal of the appeal before the deliberation of the appeal; or

(b) the appeal is successful.

*[Please refer to **Part III of the new proposed Guidance Note 21** attached for further proposed amendments on appeals]*

**Proposal 5.4**

**Insertion of provisions on agreed settlement**

**16.29 Agreed settlement**

(1) A person who is the subject of an enforcement proceeding by the Exchange may, at any time before the Exchange makes a decision, propose a settlement of the enforcement proceeding by agreeing to a set of facts, liability or penalty with the Exchange.

(2) The Exchange may reject, accept or vary the proposed settlement based on terms that it deems fit.

(3) Where the Exchange accepts the proposed settlement, the settlement will be recorded as a decision of the Exchange.

(4) If the Exchange is not agreeable to the proposed settlement, the Exchange may pursuant to paragraph 16.26, proceed with a full enforcement proceeding.

*[Cross reference: Guidance Note 21]*

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- (5) Any representation, information or document provided by the person in the course of negotiating the proposed settlement will not be used as evidence against that person without the person's consent.

### Proposal 5.5

Clarification on unpaid fine as a debt owing to the Exchange

#### 16.28 Unpaid fine a debt owing to the Exchange

A fine or any portion of a fine or cost ordered by the Exchange, remaining unpaid by a person is a debt owing by the person to the Exchange.

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Clarification on the Exchange's right to allow request for oral representation etc.

#### **16.25 ~~Rights of person~~**

~~The person who is the subject of enforcement proceedings by the Exchange may request for an oral hearing before the Exchange, make submissions and procure the attendance of witnesses to answer the case made against him by the Exchange.~~ [Deleted]

*[Please refer to **Part IV of the new proposed Guidance Note 21** attached for proposed amendments on oral representation]*

### Proposal 5.7

Clarification on persons to bear the cost of proceedings

#### 16.30 Cost of proceedings

- (1) The Exchange may, at the conclusion of an enforcement proceeding and appeal, require the person against whom the enforcement action is taken or the appellant, as the case may be, to bear all or part of the costs incurred in connection with such enforcement action or appeal.
- (2) All such costs shall be paid by the person against whom the enforcement action is taken or the appellant, as the case may be, within the time stipulated by the Exchange.

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**16.21A Publication of enforcement action**

The Exchange shall have the power to publish to the public, any action taken against any person under these Requirements in any manner as the Exchange deems fit or expedient.

**Proposal 5.10**

**Clarification on obligation to comply and give effect to the Exchange's decision**

**2.05 Obligation to comply**

- (1) A listed corporation, whether or not admission of its securities has taken place before these Requirements are prescribed, is, by virtue of its admission to the Official List, bound by these Requirements and the Rules of the Exchange.
- (2) A listed corporation, its directors, officers, advisers or any other person to whom these Requirements are directed must –
  - (a) comply with these Requirements for so long as the listed corporation or its securities remain listed on the Official List. This applies even during periods when a listed corporation's securities are suspended from trading; and
  - (b) comply and give effect to any decision made, conditions imposed, and instruction or directive issued, by the Exchange, within the time stipulated by the Exchange.

**Proposal 5.11**

**Clarification on the Exchange's power to deal with documents**

- (1) All documents and information (including confidential document and information) forwarded to or procured by the Exchange will become and remain the property of the Exchange.

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(2) ~~which The Exchange~~ may, in its absolute discretion, deal with the ~~m~~ document and information as it wishes including copying, storing in a retrieval system, transmitting to the public, publishing or disclosing all or any part of the documents and forwarding copies to any stock exchange, relevant government bodies, ~~or authorities, or, any expert or consultant acting in a professional capacity for and on behalf of the Exchange~~ such persons as the Exchange deems fit.

### Proposal 5.12

#### Clarification on the types of actions/penalties

#### 16.19 Types of actions or penalties

- (1) Without prejudice to any of the powers granted to the Exchange under any written law in relation to the enforcement of these Requirements, the types of action or penalty that the Exchange may take or impose for a breach of these Requirements include any one or more of the following:
- (a) in relation to applicants, listed corporation -
    - (vi) imposition of one or more condition(s) for compliance including issuance of a directive to take such steps to remedy or mitigate the breach by making restitution or compensation to any person aggrieved by such breach;
  - (b) in relation to directors or officers of an applicant or a listed corporation, a Controlling Person as defined in Rule 2.22 or any other person to whom these Requirements are directed -
    - (vi) imposition of one or more condition(s) for compliance including issuance of a directive to take such steps to remedy or mitigate the breach by making restitution or compensation to any person aggrieved by such breach;
  - (c) in relation to advisers -
    - (vi) imposition of one or more condition(s) for compliance including issuance of a directive to take such steps to remedy or mitigate the breach by making restitution or compensation to any person aggrieved by such breach;

### Proposal 5.13

#### Other amendments for clarification purpose

#### 16.14 ~~Provision of information by directors~~

~~Where a listed corporation makes an enquiry with any one of its directors for the purpose of making a disclosure pursuant to these Requirements, such director must provide information promptly to the listed corporation that-~~

- ~~(a) is clear, unambiguous and accurate;~~
- ~~(b) does not contain any material omission; and~~

~~(e) is not false or misleading.~~[\[Deleted\]](#)

### **15.03A Provision of information by directors**

Where a listed corporation makes an enquiry with any one of its directors for the purpose of making a disclosure pursuant to these Requirements, such director must provide information promptly to the listed corporation that -

(a) is clear, unambiguous and accurate;

(b) does not contain any material omission; and

(c) is not false or misleading.

### **16.15 ~~Attendance before the Exchange~~**

~~The directors, officers, employees or advisers of a listed corporation or any other person to whom these Requirements are directed must, if so required by the Exchange, attend personally before the Board, any committee or officer(s) of the Exchange to provide any document, information and/or explanation for any purpose deemed appropriate by the Exchange and the Exchange may record statements from such persons.~~[\[Deleted\]](#)

### **2.18B Attendance before the Exchange**

The directors, officers, employees or advisers of a listed corporation or any other person to whom these Requirements are directed must, if so required by the Exchange, attend personally before the Board, any committee or officer(s) of the Exchange to provide any document, information and/or explanation for any purpose deemed appropriate by the Exchange and the Exchange may record statements from such persons

### **16.16 Power to obtain documents**

The Exchange may, ~~for investigation purposes~~ arising from or in relation to its investigation, enforcement or both-

- (a) by notice in writing require an applicant, a listed corporation, its directors, officers, employees, advisers or any other person to whom these Requirements are directed, to produce for inspection any documents, books, papers, registers, records or accounts (whether recorded in documentary or electronic form) (referred to collectively as "**Information**" in this Part D) that are held by the person concerned or to which the person concerned has control or access over;
- (b) inspect and make copies of, or take notes from, such Information;
- (c) retain such Information for such periods as the Exchange deems fit; or
- (d) disclose or forward such Information to such authorities or parties as the Exchange deems fit.

### **16.23 ~~Notification by the Exchange~~Reference of conduct to other authorities**

The Exchange may, at any time, and in its absolute discretion, refer the conduct of any applicant, listed corporation, or its directors, officers, advisers or any other person to whom these Requirements are directed, to any relevant authority or professional body, without giving notice to such persons.

*[Please see the proposed Guidance Note 21 attached for further proposed amendments]*

## BURSA MALAYSIA SECURITIES BERHAD

### PRACTICE NOTE 30

#### ENFORCEMENT PROCEEDINGS & RELATED MATTERS

<u>Details</u>	<u>Cross References</u>
Effective date:            [**]	Paragraphs 16.26 & 16.27

#### 1.0 Introduction

- 1.1 Pursuant to paragraph 16.26 of the Listing Requirements, the Exchange will determine the procedures applicable to any enforcement action taken under Chapter 16 of the Listing Requirements.
- 1.2 Parts I and II of this Practice Note set out the procedures and requirements relating to a full and expedited enforcement proceeding respectively.
- 1.3 Pursuant to paragraph 16.27 of the Listing Requirements, any person who is dissatisfied with a decision resulting from an enforcement action taken may appeal against such decision in the manner as may be prescribed by the Exchange from time to time. Part III of this Practice Note sets out the procedures and requirements relating to the appeal procedure.
- 1.4 Part IV of this Practice Note sets out the oral representation that may be requested by a person in an enforcement proceeding.
- 1.5 For the avoidance of doubt, the Exchange is not bound by legal rules of evidence and procedure in any enforcement proceedings under the Listing Requirements.

#### PART I FULL ENFORCEMENT PROCEEDING

##### 2.0 Requisite Notice

- 2.1 When the Exchange proposes to take an enforcement action against a person under the Listing Requirements, the Exchange will serve the person a written notice specifying the nature and particulars of the breach the person has alleged to have committed ("**Requisite Notice**").

##### 3.0 Response to Requisite Notice

- 3.1 A person may submit to the Exchange a written response to the Requisite Notice ("**Response**") within the time stipulated in the Requisite Notice.

#### 4.0 Notification of decision

4.1 After the conclusion of an enforcement proceeding, the Exchange will notify the person in writing of the decision including the penalty imposed (if any).

### PART II EXPEDITED ENFORCEMENT PROCEEDING

#### 5.0 Procedures relating to an expedite enforcement proceeding

5.1 The Exchange may, where it deems fit, notify the person against whom the enforcement action is proposed to be taken, in writing that the matter will be proceeded with as an expedited enforcement proceeding. The notice will specify the breach and penalty imposed on that breach (“**Determination**”).

5.2 The person must, within the time specified in the Determination, inform the Exchange in writing whether or not the person agrees with the Determination. A person is deemed to have agreed with the Determination if the person does not respond within the specified time.

5.3 If the person agrees or is deemed to have agreed with the Determination, the person must give effect to the penalty imposed. Enforcement action will be recorded as having been taken against the person upon the expiry of the specified time.

5.4 If the person does not agree with the Determination, the matter will proceed under Part I. The person may submit a written response to the Determination as if the Determination is a Requisite Notice under Part I. In deliberating the matter, the Exchange is not bound by the Determination and may impose a higher penalty.

#### 6.0 No limitation

6.1 Nothing in this Part prevents the Exchange from proceeding with the full enforcement proceeding under Part I for any breach of the Listing Requirements.

### PART III APPEAL

#### 7.0 Notice of appeal

7.1 If a person appeals against a decision referred to in Part I above, the person must within the time stated in the notification of decision given under Part I, give to the Exchange a notice in writing (“**Notice of Appeal**”) that -

- (a) identifies the decision against which the appeal is made; and
- (b) sets out the ground(s) of the appeal together with representations to justify the ground(s) relied upon.

## **8.0 Deliberation of appeals**

- 8.1 A person may produce evidence that was not presented at the initial enforcement proceeding if -
- (a) the evidence was not available at the time of the initial enforcement proceedings; and
  - (b) the evidence would have been likely to have had a determining influence upon the decision appealed against.
- 8.2 The person must produce the new evidence as stated in paragraph 8.1 above when submitting the Notice of Appeal.
- 8.3 The Exchange may produce new evidence arising from the Notice of Appeal submitted by the person.
- 8.4 The Exchange may affirm, vary or set aside the decision appealed against.

## **9.0 Notification of decision on appeal**

- 9.1 After the conclusion of an appeal, the Exchange will notify the person in writing of the decision of the appeal and such decision is final.

## **PART IV – ORAL REPRESENTATIONS**

### **10.0 Request for oral representations etc.**

- 10.1 The Exchange may allow an oral representation, submission or attendance of witnesses for any proceeding commenced against a person under this Practice Note.
- 10.2 The person against whom the enforcement action is taken may only request for the oral representation, oral submission or attendance of witnesses if it has submitted –
- (a) a Response as required in Part I; or
  - (b) a Notice of Appeal as required in Part III.
- 10.3 If the Exchange allows the attendance of a witness, the person who makes the request bears the onus of procuring the attendance of the witness and all costs of attendance of the witness.

## BURSA MALAYSIA SECURITIES BERHAD

### GUIDANCE NOTE 21

#### ENFORCEMENT PROCEEDINGS & RELATED MATTERS

<u>Details</u>	<u>Cross References</u>
Effective date:            [**]	Rules 16.26 & 16.27

#### 1.0 Introduction

- 1.1 Pursuant to Rule 16.26 of the Listing Requirements, the Exchange will determine the procedures applicable to any enforcement action taken under Chapter 16 of the Listing Requirements.
- 1.2 Parts I and II of this Guidance Note set out the procedures and requirements relating to a full and expedited enforcement proceeding respectively.
- 1.3 Pursuant to Rule 16.27 of the Listing Requirements, any person who is dissatisfied with a decision resulting from an enforcement action taken may appeal against such decision in the manner as may be prescribed by the Exchange from time to time. Part III of this Guidance Note sets out the procedures and requirements relating to the appeal procedure.
- 1.4 Part IV of this Guidance Note sets out the oral representation that may be requested by a person in an enforcement proceeding.
- 1.5 For the avoidance of doubt, the Exchange is not bound by legal rules of evidence and procedure in any enforcement proceedings under the Listing Requirements.

#### PART I FULL ENFORCEMENT PROCEEDING

##### 2.0 Requisite Notice

- 2.1 When the Exchange proposes to take an enforcement action against a person under the Listing Requirements, the Exchange will serve the person a written notice specifying the nature and particulars of the breach the person has alleged to have committed ("**Requisite Notice**").

##### 3.0 Response to Requisite Notice

- 3.1 A person may submit to the Exchange a written response to the Requisite Notice ("**Response**") within the time stipulated in the Requisite Notice.

#### 4.0 Notification of decision

4.1 After the conclusion of an enforcement proceeding, the Exchange will notify the person in writing of the decision including the penalty imposed (if any).

### PART II EXPEDITED ENFORCEMENT PROCEEDING

#### 5.0 Procedures relating to an expedite enforcement proceeding

5.1 The Exchange may, where it deems fit, notify the person against whom the enforcement action is proposed to be taken, in writing that the matter will be proceeded with as an expedited enforcement proceeding. The notice will specify the breach and penalty imposed on that breach (“**Determination**”).

5.2 The person must, within the time specified in the Determination, inform the Exchange in writing whether or not the person agrees with the Determination. A person is deemed to have agreed with the Determination if the person does not respond within the specified time.

5.3 If the person agrees or is deemed to have agreed with the Determination, the person must give effect to the penalty imposed. Enforcement action will be recorded as having been taken against the person upon the expiry of the specified time.

5.4 If the person does not agree with the Determination, the matter will proceed under Part I. The person may submit a written response to the Determination as if the Determination is a Requisite Notice under Part I. In deliberating the matter, the Exchange is not bound by the Determination and may impose a higher penalty.

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6.1 Nothing in this Part prevents the Exchange from proceeding with the full enforcement proceeding under Part I for any breach of the Listing Requirements.

### PART III APPEAL

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7.1 If a person appeals against a decision referred to in Part I above, the person must within the time stated in the notification of decision given under Part I, give to the Exchange a notice in writing (“**Notice of Appeal**”) that -

- (a) identifies the decision against which the appeal is made; and
- (b) sets out the ground(s) of the appeal together with representations to justify the ground(s) relied upon.

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- 8.1 A person may produce evidence that was not presented at the initial enforcement proceeding if -
- (a) the evidence was not available at the time of the initial enforcement proceedings; and
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- 10.3 If the Exchange allows the attendance of a witness, the person who makes the request bears the onus of procuring the attendance of the witness and all costs of attendance of the witness.