

CHAPTER 2 ADMINISTRATION

RULE 201 EXERCISE OF POWERS

RULE 201.1 EXERCISE OF POWERS

- (1) **Description of powers:** Bursa Bonds may exercise the following powers in operating and administering ETP: –
- (a) in relation to these Rules:
 - (i) to amend these Rules and make new Rules;
 - (ii) to vary or waive any of these Rules;
 - (iii) to issue Directives, in relation to any matters governed by these Rules; and
 - (iv) to interpret conclusively any provision in these Rules in the event of any dispute over such Rules. In interpreting the Rules, regard will be held to the spirit, intention and purpose of the Rules and also, the substance over form of the rules will prevail;
 - (b) to release information in its possession concerning any Participant and all activities of the Participant on ETP to persons authorised in law to request for such information;
 - (c) to exercise all such other powers as may be necessary for purposes of monitoring compliance with and enforcement of these Rules;
 - (d) to exercise any powers and take any actions for the purpose of maintaining an orderly and fair market on ETP;
 - (e) to impose fees in relation to the use of the facilities available on ETP; and
 - (f) to exercise all such powers for the purpose of operating and administering ETP.

RULE 201.2 APPOINTMENT OF COMMITTEES ETC.

- (1) Bursa Bonds may appoint a committee, sub-committee or officers of Bursa Bonds or Bursa Malaysia to discharge any of its functions or to exercise any of its powers under these Rules or Directives.

RULE 202 POWERS OF BURSA BONDS IN AN EMERGENCY SITUATION

RULE 202.1 POWERS IN AN EMERGENCY SITUATION

(1) Bursa Bonds may, upon the occurrence of any of the emergency situation stipulated in Rule 202.1(2), take any of the following actions upon notification to the Commission:

- (a) suspend or restrict any facilities available on ETP;
- (b) modify market day or operating hours of ETP; and
- (c) any other actions Bursa Bonds deems fit.

(2) **Emergency Situation:** An emergency situation with regard to ETP are as follows:-

- (a) fire, power failure, natural disasters and any other events which are disruptive in nature;
- (b) any errors, malfunction or breakdown in relation to information technology or communication systems of ETP or of substantial number of Participants; or
- (c) any other situations;

which have or is likely to have an adverse impact on the operations of ETP or of substantial number of Participants or both.

RULE 203 BURSA MALAYSIA AS HOLDING COMPANY

RULE 203.1 POWERS OF BURSA MALAYSIA AS HOLDING COMPANY

- (1) Where any provision in these Rules confers a right or power on Bursa Bonds to do any act or thing, such provision also is taken to confer the right or power on Bursa Malaysia to do such act or thing on behalf of Bursa Bonds.
- (2) Participants to whom these Rules are directed must comply with, observe or give effect to any action of Bursa Malaysia pursuant to Rule 203.1(1).

RULE 204 LIABILITY

RULE 204.1 LIABILITY OF BURSA BONDS

- (1) Bursa Bonds or Bursa Malaysia is not liable in respect of anything done or omitted to be done by it in good faith in connection with the discharge or performance of any function or duty, or the exercise of any power under these Rules or any applicable law or in respect of any decision made or enforcement action taken, whether resulting in any loss of profit, costs, damages or damage to reputation or otherwise to any Participant or to any person.

RULE 205 NOTICES OR COMMUNICATIONS

RULE 205.1 NOTICES OR COMMUNICATIONS ISSUED

- (1) Any written notices or communications to be issued by Bursa Bonds or the Participants pursuant to these Rules or otherwise may be issued electronically or otherwise unless a specific mode of issuance is stated in any of these Rules or Directives.
- (2) Notices or communications issued pursuant to the Rule 205.1(1) will be deemed received by the recipient as follows:
 - (a) if sent by post within Peninsula Malaysia, on 3rd market day after posting;
 - (b) if sent by air mail to Sabah, Sarawak or outside Malaysia, on the 5th market day after posting;
 - (c) if sent by courier, on the 2nd market day after dispatch;
 - (d) if sent by facsimile, immediately upon generation of a report indicating that the transmission was successful; and
 - (e) if sent by electronic means other than facsimile, on the date of transmission.

RULE 206 DISPUTES

RULE 206.1 DISPUTES BETWEEN PARTICIPANTS AND BURSA BONDS

- (1) Where there is a dispute between a Participant and Bursa Bonds with reference to any matter governed under these Rules or Directives, parties must attempt to resolve the dispute within ten (10) market days failing which the matter will be settled by way of arbitration in accordance with Rule 206.2.

RULE 206.2 ARBITRATION

- (1) **Arbitration agreement:** This Rule forms the basis of an arbitration agreement binding upon Participants and Bursa Bonds made in accordance with the Arbitration Act 2005 and any amendments thereto.
- (2) **One or three arbitrators:** All disputes under Bursa Bonds and a Participant under this Rule shall be referred to a single arbitrator, if the parties can agree on one, but otherwise to three arbitrators, one to be appointed by each party with the third arbitrator to act as the presiding arbitrator to be-
 - (a) appointed by the two arbitrators if an agreement can be reached; or
 - (b) where the first two arbitrators cannot agree on the choice of the presiding arbitrator, appointed in accordance with the Arbitration Act 2005.
- (3) **Status of award:** Any award of the arbitrator or the majority of the arbitrators shall be final and binding upon the parties to such dispute.
- (4) **Bursa Bonds right of enforcement:** Nothing in this chapter shall be construed as enabling any Participant to prevent, obstruct or delay Bursa Bonds to exercise its right or power to enforce any provisions of these Rules or Directives upon such Participant.

[End of Chapter]