

BURSA MALAYSIA SECURITIES CLEARING SDN BHD

Date : 31 May 2017

No : SBL 3/2017

AMENDMENTS TO THE FOLLOWING DOCUMENTS CONSEQUENTIAL TO THE COMPANIES ACT 2016 (“CA 2016”):

- 1. RULES OF BURSA MALAYSIA SECURITIES CLEARING SDN BHD (“BURSA CLEARING (S)”)**
- 2. BURSA SECURITIES BORROWING AND LENDING (“BURSA SBL”) – TERMS AND CONDITIONS FOR BORROWER AND BURSA SBL – TERMS AND CONDITIONS FOR LENDING PARTICIPANT AND LENDER (collectively “BURSA SBL TERMS AND CONDITIONS”)**

1. INTRODUCTION

- 1.1 In view of the CA 2016 coming into force and replacing the Companies Act 1965, Bursa Clearing (S) has amended the documents set out below to take into account the CA 2016.
- 1.2 The consequential amendments are detailed in paragraphs 2 and 3 below.

2. AMENDMENTS TO THE RULES OF BURSA CLEARING (S)

- 2.1 Pursuant to Section 9 of the Capital Markets and Services Act 2007, Bursa Clearing (S) has amended the Rules of Bursa Clearing (S) as set out in the attached **“ANNEXURE 1”**.
- 2.2 The changes to the rules are as follows:
 - (a) Replacing the reference of the year for the ‘Companies Act’ from ‘1965’ to ‘2016’ and replacing the Act number from ‘125’ to ‘777’ in the definition of ‘Corporation’ in the ‘Interpretation’ chapter;
 - (b) Removing the definition of ‘Articles’ in the ‘Interpretation’ chapter; and
 - (c) Replacing the reference to ‘Articles of Association’ with the term ‘constitution’ in the Form of Application under Chapter 2.

3. AMENDMENTS TO THE BURSA SBL TERMS AND CONDITIONS

- 3.1 Pursuant to Condition 23 of the Bursa SBL - Terms and Conditions for Borrower and Condition 21 of the Bursa SBL - Terms and Conditions for Lending Participant and Lender, the Bursa SBL Terms and Conditions have been amended as set out in **“ANNEXURE 2”** and **“ANNEXURE 3”** respectively.

4. EFFECTIVE DATES

- 4.1 The amendments to the Rules of Bursa Clearing (S) take effect immediately.
- 4.2 The amendments to the Bursa SBL Terms and Conditions will take effect on **Monday, 12 June 2017**.

5. CONTACT PERSON

- 5.1 For more information or in the event of any enquiries, kindly contact the following person:

Name	Contact
Niven Nambiar	niven@bursamalaysia.com 03-2034 7317

- 5.2 Pleased be informed that the amendments to the Rules of Bursa Clearing (S) and Bursa SBL Terms and Conditions mentioned in this circular are available on Bursa Malaysia Berhad's website at www.bursamalaysia.com

REGULATION

ANNEXURE 1

RULES OF BURSA MALAYSIA SECURITIES CLEARING SDN BHD

RULE AMENDMENTS CONSEQUENTIAL TO THE COMPANIES ACT 2016

RULE	EXISTING PROVISIONS	RULE	AMENDED PROVISIONS
Interpretation	<p>“Corporation”</p> <p>Same meaning as is assigned to that expression in the Companies Act 1965 (Act 125).</p>	Interpretation	<p>“Corporation”</p> <p>Same meaning as is assigned to that expression in the Companies Act 1965-2016 (Act 125<u>777</u>).</p>
Interpretation	<p>“Articles”</p> <p>The Articles of Association of the Clearing House.</p>	Interpretation	<p>“Articles”</p> <p>The Articles of Association of the Clearing House.<u>[Deleted]</u></p>
Form of Application under Chapter 2 (Extract)	<p>APPLICATION FOR CLEARING PARTICIPANTSHIP</p> <p>We <u>(Name of Corporation)</u></p> <p>_____</p> <p>Are desirous of being admitted as a Clearing Participant of Bursa Malaysia Securities Clearing Sdn Bhd (the Clearing House), upon the terms of and under and subject in all respects to its Articles of Association and the Rules, which are now or hereafter may be, for the time being in force and any agreement(s) the covenants of which as may be stipulated by the Clearing House.</p> <p>We hereby solemnly undertake to be bound in all respect by and comply with the said Articles of Association, Rules and agreement(s).</p>	Form of Application under Chapter 2 (Extract)	<p>APPLICATION FOR CLEARING PARTICIPANTSHIP</p> <p>We <u>(Name of Corporation)</u></p> <p>_____</p> <p>Are desirous of being admitted as a Clearing Participant of Bursa Malaysia Securities Clearing Sdn Bhd (the Clearing House), upon the terms of and under and subject in all respects to its Articles of Association<u>constitution</u> and the Rules, which are now or hereafter may be, for the time being in force and any agreement(s) the covenants of which as may be stipulated by the Clearing House.</p> <p>We hereby solemnly undertake to be bound in all respect by and comply with the said Articles of Association<u>constitution</u>, Rules and agreement(s).</p>

[End of Rule Amendments]

ANNEXURE 2

BURSA SBL TERMS AND CONDITIONS FOR BORROWER

AMENDMENTS CONSEQUENTIAL TO THE COMPANIES ACT 2016

CONDITION	EXISTING PROVISIONS	CONDITION	AMENDED PROVISIONS
<p>1. Definition</p>	<p>“Act of Insolvency” means in relation to the Borrower:</p> <ul style="list-style-type: none"> (i) its making a general assignment for the benefit of, or entering into a reorganisation, arrangement, or composition with creditors; or (ii) its stating in writing that it is unable to pay its debts as they become due; or (iii) its seeking, consenting to or acquiescing in the appointment of any trustee, administrator, receiver or liquidator or analogous officer of it or any material part of its property; or (iv) the presentation or filing of a petition in respect of it in any court or before any agency alleging or for the bankruptcy, winding-up or insolvency (or any analogous proceeding) or seeking any reorganisation, arrangement, composition, re-adjustment, administration, liquidation, dissolution or similar relief under any present or future statute, law or regulation, such petition not having been stayed or dismissed within 30 days of its filing (except in the case of a petition for winding-up or any analogous proceeding in respect of which no such 30 day period shall apply); or (v) the appointment of a receiver, administrator, liquidator or trustee or analogous officer of over all 	<p>1. Definition</p>	<p>“Act of Insolvency” means in relation to the Borrower:</p> <ul style="list-style-type: none"> (i) its making a general assignment for the benefit of, or entering into a reorganisation, arrangement, or composition with creditors; or (ii) its stating in writing that it is unable to pay its debts as they become due; or (iii) its seeking, consenting to or acquiescing in the appointment of any trustee, administrator, receiver or liquidator or analogous officer of it or any material part of its property; or (iv) the presentation or filing of a petition in respect of it in any court or before any agency alleging or for the bankruptcy, winding-up or insolvency (or any analogous proceeding) or seeking any reorganisation, arrangement, composition, re-adjustment, administration, liquidation, dissolution or similar relief under any present or future statute, law or regulation, such petition not having been stayed or dismissed within 30 days of its filing (except in the case of a petition for winding-up or any analogous proceeding in respect of which no such 30 day period shall apply); or (v) the appointment of a receiver, administrator, liquidator or trustee or analogous officer of over all

CONDITION	EXISTING PROVISIONS	CONDITION	AMENDED PROVISIONS
	<p>or any material part of the Borrower's property; or</p> <p>(vi) its becoming insolvent or it is presumed by the court to be insolvent within the meaning of the Companies Act 1965 of Malaysia;</p>		<p>or any material part of the Borrower's property; or</p> <p>(vi) its becoming insolvent or it is presumed by the court to be insolvent within the meaning of the Companies Act 1965-2016of Malaysia;</p>
<p>1. Definition</p>	<p>"Bursa Group" means Bursa Malaysia Berhad and its subsidiaries where the word "subsidiary" shall have the same meaning as assigned to it by Section 5 of the Companies Act 1965 of Malaysia and reference to the Group shall mean any or all of the Group, in whole or in part.</p>	<p>1. Definition</p>	<p>"Bursa Group" means Bursa Malaysia Berhad and its subsidiaries where the word "subsidiary" shall have the same meaning as assigned to it by Section 5<u>4</u> of the Companies Act 1965-2016of Malaysia and reference to the Group shall mean any or all of the Group, in whole or in part.</p>

[End of Amendments]

ANNEXURE 3

BURSA SBL TERMS AND CONDITIONS FOR LENDING PARTICIPANT AND LENDER

AMENDMENTS CONSEQUENTIAL TO THE COMPANIES ACT 2016

CONDITION	EXISTING PROVISION	CONDITION	AMENDED PROVISION
1. Definition	"Bursa Group" means Bursa Malaysia Berhad and its subsidiaries where the word "subsidiary" shall have the same meaning as assigned to it by Section 5 of the Companies Act 1965 of Malaysia and reference to the Group shall mean any or all of the Group, in whole or in part.	1. Definition	"Bursa Group" means Bursa Malaysia Berhad and its subsidiaries where the word "subsidiary" shall have the same meaning as assigned to it by Section 5 ⁵⁴ of the Companies Act 1965—2016 of Malaysia and reference to the Group shall mean any or all of the Group, in whole or in part.

[End of Amendment]