

**BURSA MALAYSIA SECURITIES CLEARING SDN BHD**

Date: 17 November 2011	No : SBL 3/2011
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**SECURITIES BORROWING AND LENDING (“SBL”)**

**COMPANIES (PRESCRIBED INTEREST) REGULATIONS 2011**

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We are pleased to attach as Annexure 1, the Companies (Prescribed Interest) Regulations 2011 (“**Regulations**”) which took effect from 15 November 2011. The Regulations are applicable to a lender and a borrower in a SBL arrangement provided that in the case of the borrower, the borrower does not keep the borrowed securities for more than 3 business days.

For further information or enquiries kindly contact the following persons:

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**Clearing and Settlement Operations**

**“ANNEXURE 1”**

**COMPANIES (PRESCRIBED INTEREST) REGULATIONS 2011**

AKTA SYARIKAT 1965

PERATURAN-PERATURAN SYARIKAT (KEPENTINGAN DITETAPKAN) 2011

PADA menjalankan kuasa yang diberikan oleh perenggan 373(*g*) dibaca bersama perenggan 6A(9)(*d*) Akta Syarikat 1965 [*Akta 125*], Menteri membuat peraturan-peraturan yang berikut:

**Nama dan permulaan kuat kuasa**

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Syarikat (Kepentingan Ditetapkan) 2011**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 15 November 2011.

**Tafsiran**

2. Dalam Peraturan-Peraturan ini—

“Akta” ertinya Akta Syarikat 1965;

“kepentingan yang ditetapkan”, berhubung dengan suatu kepentingan yang disebut di dalam subseksyen 6A(6) Akta, ertinya suatu kepentingan yang hendaklah tidak diambil kira sebagai kepentingan anggapan bagi maksud perenggan 6A(9)(*d*) Akta; dan

“transaksi pinjaman dan peminjaman sekuriti” mempunyai maksud yang diberikan kepadanya di dalam Garispanduan Pinjaman dan Peminjaman Sekuriti yang dikeluarkan oleh Suruhanjaya Sekuriti.

**Kepentingan yang ditetapkan**

3. Suatu kepentingan di bawah subseksyen 6A(6) bagi seseorang yang timbul daripada transaksi pinjaman dan peminjaman sekuriti adalah kepentingan yang ditetapkan.

4. Bagi maksud peraturan 3, seseorang ertinya—
- (a) pemberi pinjam dalam suatu pengaturan pinjaman dan peminjaman sekuriti; atau
  - (b) peminjam dalam suatu pengaturan pinjaman dan peminjaman sekuriti, dengan syarat bahawa peminjam hendaklah tidak menyimpan sekuriti yang dipinjam melebihi 3 hari perniagaan.

Dibuat 1 November 2011  
[KPDN(BUU)(PU2)26/5/58]; PN(PU2)4/VIII]

DATO' SRI ISMAIL SABRI BIN YAAKOB  
*Menteri Perdagangan Dalam Negeri,  
Koperasi dan Kepenggunaan*

COMPANIES ACT 1965

COMPANIES (PRESCRIBED INTEREST) REGULATIONS 2011

IN exercise of the powers conferred by paragraph 373(*g*) read together with paragraph 6A(9)(*d*) of the Companies Act 1965 [*Act 125*], the Minister makes the following regulations:

**Citation and commencement**

1. (1) These regulations may be cited as the **Companies (Prescribed Interest) Regulations 2011**.

(2) These Regulations come into operation on 15 November 2011.

**Interpretation**

2. In these Regulations—

“Act” means the Companies Act 1965;

“prescribed interest”, in relation to an interest referred to in subsection 6A(6) of the Act, means an interest that shall be disregarded as a deemed interest for the purpose of paragraph 6A(9)(*d*) of the Act; and

“securities borrowing and lending transaction” has the meaning assigned to it in the Securities Borrowing and Lending Guidelines issued by the Securities Commission.

**Prescribed interest**

3. An interest of a person under subsection 6A(6) of the Act arising from a securities borrowing and lending transaction is a prescribed interest.

4. For the purpose of regulation 3, a person means—

(*a*) a lender in a securities borrowing and lending arrangement; or

- (b) a borrower in a securities borrowing and lending arrangement, provided that the borrower shall not keep the borrowed securities for more than 3 business days.

Made 1 November 2011  
[KPDN(BUU)(PU2)26/5/58]; PN(PU2)4/VIII]

DATO' SRI ISMAIL SABRI BIN YAAKOB  
*Minister of Domestic Trade,  
Co-operatives and Consumerism*