

SEC Thailand’s Public Hearing on Draft Regulation Relating to the Exemption from the CMSB’s approval for Rules and Regulations of the Licensed Derivatives Exchange, the Licensed Derivatives Clearing House, the Securities Clearing House and the Securities Depository in which the Securities Exchange of Thailand holds not less than seventy-five percent of the total number of shares.

Due to Section 63 of the Derivatives Act which came into force in B.E. 2546 (2003) prescribed that all rules and regulations issued by licensed derivatives exchange shall be enforceable only upon approval from the Capital Market Supervisory Board (“CMSB”). However, Paragraph 3 of Section 63 of the Derivatives Act states that the requirements for CMSB’s approval shall not apply to any rules relating to the derivatives exchange’s internal administration or any other rules as specified in the notification of the CMSB. Also, Section 89 of the Derivatives Act prescribed that the provisions under Section 63 shall apply mutatis mutandis to licensed derivatives clearing house.

Due to Clause 36 of the Notification of the Capital Market Supervisory Board No. Tor Thor. 32/2559 Rule, Conditions, and Procedures for Operation of Securities Clearing Houses and Central Securities Depository prescribed that all rules and regulations of the securities clearing house and central securities depository shall be enforceable only upon approval by CMSB.

In this regard, the SEC Office is seeking public comments on the proposed draft regulation which specifies the criteria for certain rules and regulations of the licensed derivatives exchange, licensed derivatives clearing house, securities clearing house, and securities depository in which the Securities Exchange of Thailand holds not less than seventy-five percent of the total number of shares which shall be exempted from the CMSB’s approval.

However, under the proposed CMSB’s Notification, the rules and regulations of such licensed derivatives exchange, licensed derivatives clearing house, securities clearing house, and the securities depository which meets the specified criteria shall be exempted from the CMSB’s approval. Although, such rules or regulations shall be submitted to the SEC Office at least 10 working days prior to coming into force, including a report on public hearing (if any).

- (1) The determination or alteration of rules to be in compliance with the provision of the Securities and Exchange Act, the Derivatives Act or the notifications promulgated thereunder issued by the SEC Board, the CMSB or the SEC Office;
- (2) The determination or alteration of rules or regulations in which does not affect the materiality of the matter as having been previously approved, and is made for the purpose of reorganizing, restructuring or rectifying the rule

For further details of the public hearing, please visit www.sec.or.th/hearing or contact the Market Supervision Department at 0-2033-4621 or 0-2033-4678 email sarochac@sec.or.th or sarochat@sec.or.th.

For electronic comments, please send an email to sarochac@sec.or.th or sarochat@sec.or.th
For paper comments, please send to: Market Supervision Department, Securities and Exchange Commission, Thailand, 333/3 Vibhavadi-Rangsit Road, Chomphon, Chatuchak, Bangkok 10900, Thailand.

The public hearing process will end on 11th December 2020
