

Securities and Futures (Trade Repositories) Regulations 2013

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No. S 460

**SECURITIES AND FUTURES ACT
(CHAPTER 289)**

**SECURITIES AND FUTURES
(TRADE REPOSITORIES)
REGULATIONS 2013**

In exercise of the powers conferred by sections 46ZJ and 341 of the Securities and Futures Act, the Monetary Authority of Singapore hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Securities and Futures (Trade Repositories) Regulations 2013 and shall come into operation on 1st August 2013.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

“annual report” means the audited profit and loss accounts, audited balance-sheet and auditors’ report, however described;

“business day” has the same meaning as in section 4(1) of the Companies Act (Cap. 50).

(2) Any word or expression used in these Regulations which is defined in section 46B of the Act shall, unless the context otherwise requires, have the same meaning as in that section.

Forms

3.—(1) The forms to be used for the purposes of Part IIA of the Act and these Regulations are those set out at the Authority’s Internet website at <http://www.mas.gov.sg> (under “Regulations and Financial Stability”, “Regulations, Guidance and Licensing”, “Securities, Futures and Fund Management”), and any reference in these Regulations to a numbered form shall be construed as a reference to the current version of the form bearing the corresponding number which is displayed at that website and described in the First Schedule.

(2) Any document required to be lodged with the Authority under any provision of Part IIA of the Act or these Regulations shall be lodged in the relevant form and in the manner specified in the website referred to in paragraph (1), or in such other manner as the Authority may specify from time to time.

(3) All forms used for the purposes of Part IIA of the Act and these Regulations shall be completed in the English language and in accordance with such directions as may be specified in the form or by the Authority.

(4) The Authority may refuse to accept any form if —

(a) it is not completed in accordance with this regulation; or

(b) it is not accompanied by the relevant fee referred to in regulation 4.

(5) Where strict compliance with any form is not possible, the Authority may allow for the necessary modifications to be made to that form, or for the requirements of that form to be complied with in such other manner as the Authority thinks fit.

Fees

4.—(1) The fees specified in the Second Schedule shall be payable to the Authority for the purposes specified therein and, subject to section 46F(2) of the Act, shall not be refundable.

(2) Payment of fees may be effected, through such electronic funds transfer system as the Authority may designate from time to time, by directing the transfer of funds electronically from the bank account of the payer to a bank account designated by the Authority.

Keeping of books and other information

5. Every licensed trade repository and every licensed foreign trade repository shall ensure that all relevant books, and all transaction information, information reported to the licensed trade repository or licensed foreign trade repository (as the case may be) and other information as may be required by the Authority for the purposes of the Act, are kept —

- (a) in the case of any transaction information, until at least 5 years after the date of the expiry or termination of the contract, agreement or transaction to which the transaction information relates; or
- (b) in the case of any relevant book or any information other than transaction information, for a minimum of 5 years.

PART II

LICENSING OF TRADE REPOSITORIES

Application for licence

6. For the purposes of sections 46D(3) of the Act, an application for the grant of a trade repository licence or foreign trade repository licence shall be made in Form 1 and shall be lodged with the Authority together with —

- (a) Forms 2 and 3; and
- (b) each relevant annex and all relevant information specified in those Forms.