

# **Securities and Futures (Offers of Investments) (Business Trusts) Regulations 2005**

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SECURITIES AND FUTURES ACT  
(CHAPTER 289)

SECURITIES AND FUTURES (OFFERS OF INVESTMENTS) (BUSINESS TRUSTS)  
REGULATIONS 2005

In exercise of the powers conferred by sections 282C, 282F, 282P, 282Z, 318, 337, 339 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 (Offers of Investments) (Business Trusts) Regulations 2005 and shall come into operation on 6th January 2005.

**Definitions**

2.—(1) In these Regulations, unless the context otherwise requires, “chief executive officer” has the same meaning as in section 86(10) of the Business Trusts Act 2004 (Act 30 of 2004).

(2) Any reference in these Regulations to the issuer of units or derivatives of units in a business trust is a reference to the trusteemanager of the business trust or any other entity which issues or proposes to issue those units or derivatives of units, as the case may be.

(3) Any reference in these Regulations to an offer of units or derivatives of units means an offer of units or derivatives of units in a business trust for subscription or purchase, and includes an invitation to subscribe for or purchase those units or derivatives of units.

(4) Any word or expression used in these Regulations which is defined in section 282A of the Act shall have the same meaning as in that section.

(5) Any word or expression used in the Fifth and Sixth Schedules shall, unless the context otherwise requires, be interpreted in accordance with this regulation and the Fourth Schedule.

## **Forms**

**3.—**(1) Where any provision of Division 1A of Part XIII of the Act or these Regulations provides for the lodgment of a document with the Authority, that document shall be lodged with the Authority —

- (a) in the relevant form in the First Schedule; or
- (b) where there is no relevant form in that Schedule for that document, together with Form 1 in that Schedule.

(2) A form prescribed by 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.

(3) The Authority may refuse to accept any form if it is not completed in accordance with this regulation or if it is not accompanied by the relevant fee referred to in regulation 4.

## **Fees**

**4.** The fees specified in the Second Schedule shall be payable to the Authority for the purposes specified therein, and shall not be refundable.

## **PART II**

### **PROSPECTUS REQUIREMENTS**

#### **Information that may be omitted from preliminary document**

**5.** For the purposes of section 282C(3) of the Act, the information set out in the Third Schedule may be omitted from a preliminary document under the circumstances specified, if any, in relation to that information in that Schedule.

#### **Contents of prospectus**

**6.** For the purposes of section 282F(1)(b) of the Act, a prospectus in respect of units or derivatives of units in a business trust shall contain the particulars set out in the Fifth Schedule.

#### **Supplementary document and replacement document**

**7.** The copy of a supplementary document or replacement document to be lodged with the Authority under section 282D of the Act shall be signed by —

- (a) every director of the trustee-manager of a business trust to which it relates; and
- (b) every person who is named therein as a proposed director of the trustee-manager of the business trust, or by a person authorised in writing by the director or proposed director.

### **Offer information statement**

8.—(1) For the purposes of section 282P(2) of the Act, an offer information statement under that section shall contain the particulars set out in the Sixth Schedule.

(2) The copy of an offer information statement to be lodged with the Authority under section 282P(2) of the Act shall be signed by —

- (a) every director of the trustee-manager of a business trust to which it relates; and
- (b) every person who is named therein as a proposed director of the trustee-manager of the business trust, or by a person authorised in writing by the director or proposed director.

### **General requirements for documents lodged with Authority**

9.—(1) A document to be lodged with the Authority under Division 1A of Part XIII of the Act or these Regulations in paper form shall comply with the following requirements:

- (a) the document shall be on paper that is 297 millimetres in length and 210 millimetres in breadth (A4 paper size);
- (b) the contents of the document shall be legible; and
- (c) except with the consent of the Authority, the document shall not be a carbon copy or a photocopy.

(2) The fee payable to the Authority in respect of the lodgment of a document with the Authority shall be paid at the time the document is lodged.

(3) Paragraph (1) shall not apply where a document is lodged with the Authority electronically or using means other than delivery by hand or post, but —

- (a) the trustee-manager of a business trust shall maintain the original document at its registered office; and
- (b) the document shall be accompanied by a signed statement of a director of