



## Bursa Malaysia Depository Sdn Bhd

Registration No. 198701006854 (165570-W)

Date : 5 June 2020	No: ADM/DOD/010/2020
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### AMENDMENTS TO THE RULES OF BURSA MALAYSIA DEPOSITORY SDN BHD (“BURSA DEPOSITORY”) IN RELATION TO CDS eSERVICES AND OTHER AMENDMENTS

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#### 1. INTRODUCTION

- 1.1 Bursa Anywhere was officially launched by Bursa Depository on 11 June 2019 to provide electronic depository services to depositors (“**CDS eServices**”). Pursuant to the recent release of Bursa Anywhere on 10 April 2020, the following CDS eServices features have been made available to depositors via the smartphone application:
- (a) view balance shareholdings in all direct securities accounts (CDS accounts) with marked to market value;
  - (b) access and download statement of accounts for the past 12 months;
  - (c) transfer of securities between depositor’s own CDS accounts;
  - (d) update specified depositors’ particulars allowed by Bursa Depository;
  - (e) receive notifications in relation to the depositor’s shareholdings such as announcement on entitlements; and
  - (f) reactivation of inactive or dormant CDS accounts by depositors.
- 1.2 With enhancements made to Bursa Anywhere, Bursa Depository will now facilitate the following additional CDS eServices features effective from **12 June 2020**:
- (a) CDS account opening  
Malaysians with MyKad may now submit their applications to open a CDS account via Bursa Anywhere.
  - (b) registration for eDividend  
Existing CDS account holders may now register via Bursa Anywhere to receive their cash dividend and other cash payments directly into their bank accounts, known as eDividend.
- 1.3 In this connection, Bursa Depository has made amendments to the Rules of Bursa Depository after considering feedback from the public to the Consultation Paper No. 2/2019 dated 30 May 2019 and the Securities Commission Malaysia (“**SC**”).



1.4 In addition, Bursa Malaysia Berhad (“**Bursa Malaysia**”) has issued a conclusion paper setting out a summary of the respondents’ key feedback to the consultation paper and Bursa Malaysia’s responses and conclusion on the same, which is available on Bursa Malaysia’s website at:

[https://www.bursamalaysia.com/regulation/public\\_consultation](https://www.bursamalaysia.com/regulation/public_consultation)

## **2. AMENDMENTS TO THE RULES OF BURSA DEPOSITORY IN RELATION TO CDS eSERVICES AND OTHER AMENDMENTS**

2.1. The key amendments to the Rules of Bursa Depository are summarised below:

- (a) simplify and generalise the requirements relating to opening of CDS accounts including via CDS eServices; and
- (b) facilitate the registration of the depositor’s bank account information via CDS eServices to receive cash distributions directly into the bank account.

2.2. The following are the key benefits of rule amendments relating to CDS eServices and other amendments:

- (a) Enable depositors to perform specified CDS eServices transactions online with ease and facilitate Bursa Depository to provide a more personalised service, with improved time-to-market;
- (b) Increase efficiency and productivity by facilitating ADAs to perform CDS account opening via their own electronic application platform; and
- (c) Drive the sustainability goals through dispensation of documents in hard copies and promotion of digital transformation as a whole.

2.3. The amendments to the Rules of Bursa Depository have been approved by the SC and are as set out in “**Annexure 1**”.

## **3. EFFECTIVE DATE**

3.1 The amendments to the Rules of Bursa Depository will take effect on 12 June 2020.

## **4. CONTACT PERSONS**

4.1 In the event of any queries in relation to the above matter, please contact the following:

<b>Department</b>	<b>Contact Details</b>
Regulatory Policy & Advisory (on the Rules of Bursa Depository)	03-2034 7326 <a href="mailto:rpa@bursamalaysia.com">rpa@bursamalaysia.com</a>
Bursa Depository (on the CDS Procedures Manual for ADAs and changes to CDS Guide for Depositor)	03-2034 7007 1. Gobi Krushna <a href="mailto:GobiKrushna@bursamalaysia.com">GobiKrushna@bursamalaysia.com</a>



	<ol style="list-style-type: none"><li>2. Anuar Ahmad (<a href="mailto:AnuarAhmad@bursamalaysia.com">AnuarAhmad@bursamalaysia.com</a>)</li><li>3. Rajendharan Gengatheran (<a href="mailto:rajen@bursamalaysia.com">rajen@bursamalaysia.com</a>)</li><li>4. Yap Fook Meng (<a href="mailto:yapfookmeng@bursamalaysia.com">yapfookmeng@bursamalaysia.com</a>)</li></ol>
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4.2 Please cite the circular reference number or provision of the Rules of Bursa Depository in your queries, if any.

Please be informed that the amendments to the Rules of Bursa Depository that are referred to in this circular are available on Bursa Malaysia's website at: <http://www.bursamalaysia.com>.

Kindly be guided.

Depository  
5 June 2020

## ANNEXURE 1

## RULES OF BURSA MALAYSIA DEPOSITORY SENDIRIAN BERHAD

## RULE AMENDMENTS IN RELATION TO CDS eSERVICES (RELEASE 2) &amp; OTHER AMENDMENTS

RULE	EXISTING PROVISIONS	RULE	AMENDED PROVISIONS
Rule 5.02A	<p><b>Opening of securities accounts:</b></p> <p>(1) Every authorised depository agent must require any person who intends to open a securities account or formalise a securities account that has been opened by the Depository under a public offer (“applicant”) to submit to it, the duly completed prescribed application form together with the relevant supporting documents.</p> <p>(2) In relation to processing an application to open a securities account or formalise a securities account that has been opened by the Depository under a public offer, an authorised depository agent must comply with the procedures prescribed by the Depository to verify the applicant’s identity and the authenticity of the application.</p> <p>(3) Deleted</p> <p>(4) The authorised depository agent shall be liable for and shall indemnify and hold indemnified the Depository against any</p>	Rule 5.02A	<p><b>Opening of securities accounts:</b></p> <p>(1) <del>Every</del><u>An</u> authorised depository agent must require any person who intends to open a securities account or formalise a securities account that has been opened by the Depository under a public offer (<del>“applicant”</del>) to submit to it <del>an, the duly completed prescribed</del> application <del>form</del> <u>containing the information</u> together with the relevant supporting documents <u>as prescribed by the Depository, unless such application is submitted to it via CDS eServices.</u></p> <p>(2) <del>In relation to processing an application to open a securities account or formalise a securities account that has been opened by the Depository under a public offer, a</del><u>An</u> authorised depository agent must <u>comply with the procedures as may be determined by the Depository relating to the application to open or formalise a securities account, including</u> <del>comply with the procedures prescribed by the Depository to</del><u>verify</u>ing the applicant’s identity and the authenticity of the application <u>in the manner prescribed by the Depository when processing an application to open a securities account that it received directly or via CDS eServices.</u></p> <p>(3) No change.</p> <p>(4) No change.</p>

## Rule Amendments in Relation to CDS eServices (Release 2) &amp; Other amendments

	<p>loss, damage, cost, expense, liability or claim suffered or incurred by the Depository, whether directly or otherwise arising from or in connection with:</p> <p>(a) a breach of Rule 5.02A(2); or</p> <p>(b) any wilful act, omission, neglect, fraud or error on the part of any third party relied on to verify the applicant's identity and the authenticity of the application.</p> <p>(5) In the event of any wilful act, omission, neglect, fraud or error on the part of any third party referred to in Rule 5.02A(4)(b), the authorised depository agent shall be deemed to have committed a breach of the provision of this Rule as if the wilful act, omission, neglect, fraud or error had been committed by the authorised depository agent and be subject to the powers of the Depository pursuant to Rule 39.02.</p>		<p>(5) No change.</p>
Rule 5.06	<p><b>Prohibition against variation of contract:</b></p> <p>(1) <b>Standardisation of contracts:</b> All contracts, agreements or memorandum governing the contractual relationship between the Depository and the depositors, notwithstanding anything in the application forms to open a securities account and all other forms for any other authorised functions relating thereto, shall be made on standardised prescribed forms as may be stated under these Rules or in the directions of the Depository. No authorised depository agent shall vary, delete, amend or include any term or condition in the aforesaid forms without the prior written approval of the Depository.</p>	Rule 5.06	<p><b>Prohibition against variation of contract:</b></p> <p>(1) <del>Standardisation of contracts</del> <b>Terms and conditions of Depository to prevail:</b> <u>All contracts, agreements or memorandum governing the contractual relationship between the Depository and the depositors, notwithstanding anything in the application forms to open a securities account and all other forms for any other authorised functions relating thereto, shall be made on standardised prescribed forms as may be stated under these Rules or in the directions of the Depository. No authorised depository agent shall vary, delete, amend or include any term or condition in the aforesaid forms. The agreements governing the contractual relationship between the Depository and the depositors must be made in the manner and contain the terms and conditions prescribed by the Depository. The terms and conditions prescribed by the Depository must not be</u></p>

## Rule Amendments in Relation to CDS eServices (Release 2) &amp; Other amendments

	<p>(2) <b>Prohibition on additional agreements:</b> No authorised depository agent shall enter into any additional agreement, whether supplemental or principal, with their depositors, not already approved by the Depository which may</p> <p>(a) exclude, exempt, disclaim, reduce, limit or waive any loss, damage or liability on the part of the agent for any wilful act, omission, neglect, fraud or error on the part of such agent; and</p> <p>(b) vary, delete, amend any provisions as may be stated under this Rules or in the directions issued by the Depository.</p> <p>(3) <b>Other agreements:</b> No authorised depository agent who is a participating organisation of the Stock Exchange shall incorporate or include any term or condition relating to the securities accounts of their depositors as part of the contract or agreement governing these depositors' trading or custodian accounts also held with such participating organisation which may exclude, exempt, disclaim, reduce, limit or waive any loss, damage or liability on the part of the agent for any wilful act, omission, neglect, fraud or error on the part of such agent.</p> <p>(4) <b>Deleted</b></p>		<p><u>varied, deleted or added to</u> without the prior written approval of the Depository.</p> <p>(2) No change.</p> <p>(3) No change.</p> <p>(4) No change.</p>
Rule 25.01	<p><b>Application to be a depositor:</b></p> <p>(1) Application: Any person who intends to open a securities account or formalise a securities account that has been opened by the Depository under a public offer must:</p> <p>(a) be eligible to be a depositor pursuant to Rule 25.02; and</p>	Rule 25.01	<p><b>Application to be a depositor:</b></p> <p>(1) Application: Any person who intends to open a securities account or formalise a securities account that has been opened by the Depository under a public offer must:</p> <p>(a) be eligible to be a depositor pursuant to Rule 25.02; and</p>

## Rule Amendments in Relation to CDS eServices (Release 2) &amp; Other amendments

	<p>(b) submit the duly completed prescribed application form together with the relevant supporting documents to the authorised depository agent.</p> <p>(1A) Where a person intends to open a securities account or formalise a securities account opened by the Depository under a public offer, the person must comply with the authorised depository agent's requirements relating to verification referred to in Rule 5.02A(2).</p> <p>(2) No obligation: The Depository or the authorised depository agent is under no obligation and may refuse to open a securities account for any person who has not duly completed or executed the appropriate prescribed application form or has not submitted the relevant documents required in relation to the opening of such account.</p>		<p>(b) submit <del>the duly completed prescribed an</del> application <del>form containing the information</del> together with the relevant supporting documents <u>as prescribed by the Depository</u> to the authorised depository agent; <u>or</u></p> <p><u>(c) submit an application to open a securities account via CDS eServices in the manner prescribed by the Depository.</u></p> <p>(1A) No change.</p> <p>(2) No obligation: The Depository or the authorised depository agent is under no obligation and may refuse to open a securities account for any person who has not duly completed or <del>executed the appropriate prescribed submitted an</del> application <u>to the authorised depository agent form or via CDS eServices has not submitted together with</u> the relevant documents required in relation to the opening of such account.</p>
<p><b>Rule 25.02A</b></p>	<p><b>Classification of depositor:</b></p> <p>(1) <b>Representation by depositor:</b> The Depository shall classify a depositor as a foreigner based solely on the depositor's representation as to whether the depositor is a Malaysian or foreigner made on the prescribed application form for the opening of a securities account or the prescribed form for updating of securities account particulars (hereinafter referred to as "the said representation").</p> <p>(2) <b>Representation in accordance with the Foreign Ownership Regulations:</b> Every depositor shall ensure that the said representation is in accordance with the Foreign Ownership Regulations.</p>	<p><b>Rule 25.02A</b></p>	<p><b>Classification of depositor:</b></p> <p>(1) <b>Representation by depositor:</b> The Depository shall classify a depositor as a foreigner based solely on the depositor's representation as to whether the depositor is a Malaysian or foreigner made <del>when on the prescribed application form for the opening of a securities account or the prescribed form for</del> updating of securities account particulars <u>in accordance with these Rules</u> (hereinafter referred to as "the said representation").</p> <p>(2) No change.</p>

## Rule Amendments in Relation to CDS eServices (Release 2) &amp; Other amendments

<p>(3) <b>Accounts opened prior to Foreign Ownership Regulations:</b> Any depositor who had opened a securities account prior to the date the Foreign Ownership Regulations came into force (hereinafter in this chapter referred to as “the said Date”), shall ensure that the said representation made previously to the Depository is in accordance with the Foreign Ownership Regulations. Such depositor shall update the particulars of his securities account in accordance with Rule 25.05 expeditiously, where necessary to comply with this Rule.</p> <p>(4) <b>Failure to comply:</b> Any depositor who fails to update his account particulars in accordance with Rule 25.02A(3) shall be deemed to have complied with Rule 25.02A(2) and shall be classified as either Malaysian or foreigner by the Depository in reliance of the said representation made previously to the Depository before the said Date.</p> <p>(5) <b>Suspension of restricted shares:</b> In reliance of the said representation, the Depository shall place restricted shares standing to the credit of the securities account of such depositor in suspense in accordance with the Foreign Ownership Regulations.</p> <p>(6) <b>Disclaimer of liability:</b> The said representation made by the depositor to the Depository shall be deemed as true and correct by the Depository without having to enquire beyond the said representation and the Depository shall not be liable for any loss, damage, cost, expense, liability or claim that may be suffered or incurred by the depositor as a result of the classification made by the Depository in reliance of the said representation.</p> <p>(7) <b>Indemnity by depositor:</b> The depositor shall fully indemnify and hold indemnified the Depository from all demands, actions and proceedings made by any person against the Depository for any loss, damage, cost, expense, liability or claim suffered by such person in respect of or</p>		<p>(3) No change.</p> <p>(4) No change.</p> <p>(5) No change.</p> <p>(6) No change.</p> <p>(7) No change.</p>
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## Rule Amendments in Relation to CDS eServices (Release 2) &amp; Other amendments

	arising from the classification made on the depositor by the Depository in reliance of the said representation.		
<b>Rule 25.02B</b>	<p><b>Authorised nominee:</b></p> <p>(1) <b>One beneficial owner for one securities account:</b> Subject to any exemptions made pursuant to any securities laws, an authorised nominee shall only be allowed to hold deposited securities for one beneficial owner in respect of each securities account opened by the authorised nominee.</p> <p>(2) <b>Name of beneficial owner:</b> Subject to any exemptions made pursuant to any securities laws, an authorised nominee who intends to open securities account with the Depository shall stipulate the name of the beneficial owner of the deposited securities in the prescribed application form for account opening.</p> <p>(3) Deleted</p> <p>(4) <b>Disclosure of information:</b> An authorised nominee shall, in such manner and within such period as may be specified by the Depository, furnish to the authorised depository agent, authorised direct member or the Depository, as the case may be, the name and other particulars of the instructing client of the authorised nominee and/or the name and other particulars of the beneficial owner of the securities deposited in the securities account opened in the name of the authorised nominee.</p> <p>(5) <b>Failure to disclose information or breach of the Rules of the Stock Exchange:</b> The Depository may take any one or more of the actions set out in Rule 25.02B(6) as it deems fit if:-</p> <p>(a) an authorised nominee fails to provide the information required by the Depository pursuant to Rule 25.02B(4)</p>	<b>Rule 25.02B</b>	<p><b>Authorised nominee:</b></p> <p>(1) No change.</p> <p>(2) <b>Name of beneficial owner:</b> Subject to any exemptions made pursuant to any securities laws, an authorised nominee who intends to open securities account with the Depository shall stipulate the name of the beneficial owner of the deposited securities in the <del>prescribed</del> application <del>form</del> for account opening <u>in the manner prescribed by the Depository.</u></p> <p>(3) No change</p> <p>(4) No change.</p> <p>(5) No change.</p>

	<p>within such period as may be specified by the Depository, whether due to the failure of an instructing client to provide the information or otherwise; or</p> <p>(b) there is an act or omission by an authorised nominee or its instructing client, where applicable, in relation to any transaction or dealing in securities held in the authorised nominee's securities account which act or omission directly or indirectly causes, aids or facilitates a breach of the Rules of the Stock Exchange.</p> <p>(6) <b>Actions that may be taken by the Depository:</b> Without prejudice to any of the powers granted to the Depository in these Rules or under any written law, the actions that the Depository may take upon the happening of any of the events set out in Rule 25.02B(5) include one or more of the following:-</p> <p>(a) prohibiting the said authorised nominee, any other authorised nominee, authorised depository agent or authorised direct member from maintaining any securities account which is exempted from the provisions of subsection 25A(1) of the Act for the instructing client referred to in paragraph (a) or (b) of Rule 25.02B(5), where applicable (hereinafter referred to respectively as "the Instructing Client");</p> <p>(b) revoking the said authorised nominee's authority to act as an exempt authorised nominee, where applicable, in respect of any or all securities accounts held by the said authorised nominee;</p> <p>(c) revoking the said authorised nominee's authority to act as an authorised nominee, in respect of any or all securities accounts held by the said authorised nominee;</p> <p>(d) specifying any or all securities accounts held by the said authorised nominee, any other authorised nominee,</p>		<p>(6) No change.</p>
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## Rule Amendments in Relation to CDS eServices (Release 2) &amp; Other amendments

	<p>authorised depository agent or authorised direct member for the Instructing Client, as under suspense for such period as may be specified by the Depository; or</p> <p>(e) issuing any instruction or directive or impose any condition on the said authorised nominee as it deems fit.</p> <p>(7) <b>Depository to notify Commission:</b> The Depository shall notify the Commission of any action taken by the Depository as provided in Rule 25.02B(6).</p> <p>(8) <b>Transfer of securities to beneficial owners:</b> Subject to Rule 25.02B(6), in circumstances where the Depository takes any of the actions under paragraphs (a) to (c) of Rule 25.02B(6), the nominee shall, where applicable, transfer the deposited securities held in its securities accounts that are affected to the securities account(s) of the beneficial owner(s) of the deposited securities or the securities account(s) of the authorised nominee(s) acting for the beneficial owner(s) within the time frame stipulated by the Depository.</p>		<p>(7) No change.</p> <p>(8) No change.</p>
<p><b>Rule 25.02C</b></p>	<p><b>Declaration by a beneficial owner or an authorised nominee:</b></p> <p>(1) <b>Execution of declaration by any person who intends to open a securities account:</b> Any person who intends to open a securities account with the Depository, shall execute a declaration in the manner prescribed by the Depository, as to whether that person is a beneficial owner or an authorised nominee of the deposited securities.</p> <p>(2) <b>Execution of declaration by any person who had opened a securities account:</b> Any person who had opened securities account with the Depository, must furnish to the Depository within the time frame as directed by the Depository after consultation with the Commission a declaration as to whether that person is a beneficial owner or an authorised nominee.</p>	<p><b>Rule 25.02C</b></p>	<p><b>Declaration by a beneficial owner or an authorised nominee:</b></p> <p>(1) <del>Execution of d</del><b>Declaration by any person who intends to open a securities account:</b> Any person who intends to open a securities account with the Depository, <del>shall execute</del> <b>must make</b> a declaration <del>in the manner as</del> prescribed by the Depository, as to whether that person is a beneficial owner or an authorised nominee of the deposited securities.</p> <p>(2) <del>Execution of d</del><b>Declaration by any person who had opened a securities account:</b> Any person who had opened securities account with the Depository, must furnish to the Depository within the time frame as directed by the Depository after consultation with the Commission a declaration as to whether that person is a beneficial owner or an authorised nominee.</p>

## Rule Amendments in Relation to CDS eServices (Release 2) &amp; Other amendments

<p><b>Rule 31.03</b></p>	<p>(1) A depositor must provide his bank account information to receive cash distributions from an issuer via direct credit into the depositor's bank account by submitting, through an authorised depository agent, a duly completed prescribed form together with the relevant supporting documents in the manner prescribed by the Depository.</p> <p>(2) By complying with Rule 31.03(1), the depositor irrevocably consents to:</p> <p>(a) the receipt of all cash distributions that may accrue to the depositor in respect of the depositor's deposited securities via direct credit into the depositor's bank account; and</p> <p>(b) the disclosure by the Depository, the issuer or their respective agents to any person, of the depositor's bank account information or such other information, as may be necessary or expedient to facilitate the payment of cash distributions that may accrue to the depositor via direct credit into the depositor's bank account or for any other purpose in connection with the payment of cash distributions via direct credit into the depositor's bank account.</p>	<p><b>Rule 31.03</b></p>	<p>(1) A depositor must provide his bank account information to receive cash distributions from an issuer via direct credit into the depositor's bank account by submitting, <del>through an authorised depository agent,</del> a duly completed prescribed form together with the relevant supporting documents in the manner prescribed by the Depository.</p> <p>(2) No change.</p>
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[End of Rule Amendments]