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**Notification of the Securities and Exchange Commission  
No. KorKhor. 2/2548**

**Re: Rules, Conditions and Procedures for Appointment of Representatives for Sale or  
Acceptance of Redemption of Investment Units and Marketing Representatives of  
Private Funds**

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By virtue of Section 14 and the second paragraph of Section 100 of the Securities and Exchange Act B.E. 2535 (1992), the Securities and Exchange Commission hereby issues the following regulations:

**Clause 1.** In this Notification:

“Mutual Fund Management Company” means a securities company licensed to undertake securities business in the category of mutual fund management;

“Private Fund Management Company” means a securities company licensed to undertake securities business in the category of private fund management;

“Marketing Representative of Private Funds” means a person appointed by a private fund management company as representative for soliciting of customers to enter into an agreement with the private fund management company;

<sup>1</sup>“Management Company” means a mutual fund management company, a private fund management company, a securities company licensed to undertake securities business in the category of brokerage, dealing or underwriting of securities and a securities company licensed to undertake securities business in the category of brokerage, dealing or underwriting of investment units;

<sup>2</sup>“Representative” means a person appointed by a management company as representative for sale and acceptance of redemption of investment units, and in the case where the management company is a private fund management company, the representative shall mean the person appointed by the private fund management company as marketing representative of private funds;

“Customer solicitation” means soliciting of customer to enter into an agreement with a private fund management company by preparing investment plans for such customer;

“Office” means the Office of the Securities and Exchange Commission.

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<sup>1</sup> Repealed for amendment by the Notification of the Securities and Exchange Commission, No. Kor Khor. 29/2548 Re: Rules, Conditions and Procedures for Appointment of Representatives for Sale or Acceptance of Redemption of Investment Units and Marketing Representatives of Private Funds (No. 2) dated 30 June 2005.

<sup>2</sup> Repealed for amendment by the Notification of the Securities and Exchange Commission, No. Kor Khor. 29/2548 Re: Rules, Conditions and Procedures for Appointment of Representatives for Sale or Acceptance of Redemption of Investment Units and Marketing Representatives of Private Funds (No. 2) dated 30 June 2005.

**Clause 2.**<sup>34</sup> A management company shall appoint a natural person or a juristic person as its representative pursuant to the following rules:

(1) In case of a natural person, the management company shall appoint a person approved by the Office pursuant to the Notification of the Office of the Securities and Exchange Commission regarding approval for investor contacts and standards of conduct;

(2) In case of a juristic person, the management company shall only appoint a private fund marketing representative and a representative for sale or acceptance of redemption of investment units in a foreign country.

In appointing a juristic person as marketing representative of private funds under (2), the management company shall appoint a juristic person approved by the Office pursuant to the Notification of the Office of the Securities and Exchange Commission regarding approval of juristic persons as marketing representatives of private funds and standards of conduct.

In appointing a juristic person as representative for sale or acceptance of redemption of investment units in a foreign country, the management company shall appoint a financial institution or a juristic person in a foreign country which has legitimacy to operate business in sale or acceptance of redemption of investment units under the law of such country and such financial institution or juristic person shall not be representative for sale or acceptance of redemption of investment units in Thailand whether directly by itself or through its representative office.

**Clause 3.** In order to ensure that representatives shall render services with honesty and due care for the best interest of investors as well as provide appropriate and adequate information in line with standards of services of the management company, in appointing a representative under Clause 2, the management company shall proceed as follows:

(1) having an agreement, in writing, for appointment of a representative specifying the rights and the duties of the management company and the representative that are not contrary or opposed to the law on securities and exchange and relevant rules issued by virtue of such law and having a clause prescribing the representative to act and cooperate with the Office in order to comply with the rules on sale or acceptance of redemption of investment units or customer solicitation;

(2) having a clause prohibiting the representative from appointing a sub-representative;

(3) overseeing the representative to comply with the clause in the agreement and the rules on sale or acceptance of redemption of investment units or customer solicitation;

(4) handling investor complaints relating to the performance of duties in sale or acceptance of redemption of investment units or customer complaints relating to customer solicitation arising from the performance of duties of the representative or the employees of the marketing representative of private funds in a similar manner with handling of complaints arising from the performance of duties of its employees.

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<sup>3</sup> Repealed for amendment by the Notification of the Securities and Exchange Commission, No. Kor Khor. 29/2548 Re: Rules, Conditions and Procedures for Appointment of Representatives for Sale or Acceptance of Redemption of Investment Units and Marketing Representatives of Private Funds (No. 2), dated 30 June 2005.

<sup>4</sup> Repealed for amendment by the Notification of the Securities and Exchange Commission, No. Kor Khor. 16/2550 Re: Rules, Conditions and Procedures for Appointment of Representatives for Sale or Acceptance of Redemption of Investment Units and Marketing Representatives of Private Funds (No. 3), dated 17 October 2007.

**Clause 4.** Unless otherwise specified, the Office shall have power to issue the Notification prescribing detailed rules relating to the matters specified in this Notification to ensure practical implementation and to enable the Office to examine such implementation.

**Clause 5.** In the case where the facts appear to the Office that any management company has acted in violation or non-compliance with the rules prescribed by this Notification, the Office shall order such management company to rectify, undertake or omit from any acts in order to comply with such rules or suspend the approval for appointment of representatives for the specified period or conditions or revoke the approval for appointment of representatives.

**Clause 6.** This Notification shall come into force as from 1 April 2005.

Notified this 5<sup>th</sup> Day of January 2005

(Mr. Somkid Jatusripitak)  
Minister of Finance  
Chairman of the Securities and Exchange Commission

**Remark:**

The Notification of the Securities and Exchange Commission No. Kor Khor. 2/2548  
Re: Rules, Conditions and Procedures for Appointment of Representatives for Sale or Acceptance of Redemption of Investment Units and Marketing Representatives of Private Funds dated 5 January 2005, published in the Government Gazette, Book 122, Special Section 5 Ngor, dated 17 January 2005

The Notification of the Securities and Exchange Commission No. Kor Khor. 29/2548  
Re: Rules, Conditions and Procedures for Appointment of Representatives for Sale or Acceptance of Redemption of Investment Units and Marketing Representatives of Private Funds (No. 2) dated 30 June 2005, published in the Government Gazette, Book 122, Special Section 65 Ngor, dated 15 August 2005

The Notification of the Securities and Exchange Commission No. Kor Khor. 16/2550  
Re: Rules, Conditions and Procedures for Appointment of Representatives for Sale or Acceptance of Redemption of Investment Units and Marketing Representatives of Private Funds (No. 3) dated 17 October 2007