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SECURITIES AND FUTURES ACT (CHAPTER 289)

SECURITIES AND FUTURES (OFFERS OF INVESTMENTS) (USE OF TERM “REAL ESTATE INVESTMENT TRUST”) (AMENDMENT) ORDER 2019

In exercise of the powers conferred by section 283A(1)(c) of the Securities and Futures Act, the Monetary Authority of Singapore makes the following Order:

Citation and commencement

1.—(1) This Order is the Securities and Futures (Offers of Investments) (Use of Term “Real Estate Investment Trust”) (Amendment) Order 2019 and, except for paragraph 2(a), (b), (d), (e), (g), (h) and (l), comes into operation on 8 April 2019.

(2) Paragraph 2(a), (d), (g), (h) and (l) is deemed to have come into operation on 8 October 2018.

(3) Paragraph 2(b) and (e) is deemed to have come into operation on 8 January 2019.

Amendment of paragraph 2

2. Paragraph 2 of the Securities and Futures (Offers of Investments) (Use of Term “Real Estate Investment Trust”) Order 2007 (G.N. No. S 227/2007) is amended —

(a) by inserting, immediately after sub-paragraph (ii) of sub-paragraph (1)(a), the following sub-paragraphs:

“(iii) a trustee (acting in its or his capacity as such) of a trust the sole purpose of which is to hold investments and each beneficiary of which is an

individual who is an accredited investor;

- (iv) a trustee (acting in its or his capacity as such) of a trust the sole purpose of which is to hold investments and each beneficiary of which is an individual who is an accredited investor as defined under section 4A(1)(a)(i) of the Act as in force immediately before 8 October 2018;”;

- (b) by deleting sub-paragraph (iii) of sub-paragraph (1)(a);
- (c) by deleting sub-paragraph (iv) of sub-paragraph (1)(a);
- (d) by deleting the words “sub-paragraph (a)(ii), (v)” in sub-paragraph (1)(c) and substituting the words “sub-paragraph (a)(ii), (iii), (iv), (v)”;
- (e) by deleting the words “sub-paragraph (a)(ii), (iii), (iv), (v)” in sub-paragraph (1)(c) and substituting the words “sub-paragraph (a)(ii), (iv), (v)”;
- (f) by deleting the words “sub-paragraph (a)(ii), (iv), (v)” in sub-paragraph (1)(c) and substituting the words “sub-paragraph (a)(ii), (v)”;
- (g) by deleting the word “and” at the end of sub-paragraph (2)(a);
- (h) by deleting the full-stop at the end of sub-paragraph (b) of sub-paragraph (2) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(c) where the offer or intended offer is made to a trustee mentioned in sub-paragraph (1)(a)(iv) who is an existing customer of a holder of a capital markets services licence, a licensed financial adviser, or a person exempt

from the requirement to hold a capital markets services licence or a financial adviser's licence —

- (i) the offer or intended offer is made for or on behalf of the person making the offer or intended offer by the holder of a capital markets services licence, licensed financial adviser, or the person exempt from the requirement to hold a capital markets services licence or a financial adviser's licence, as the case may be; or
 - (ii) the offer or intended offer is made pursuant to the marketing of units in a collective investment scheme to the trustee by the holder of a capital markets services licence, licensed financial adviser, or the person exempt from the requirement to hold a capital markets services licence or a financial adviser's licence, as the case may be.”;
- (i) by inserting the word “and” at the end of sub-paragraph (2)(a);
 - (j) by deleting the word “; and” at the end of sub-paragraph (2)(b) and substituting a full-stop;
 - (k) by deleting sub-paragraph (c) of sub-paragraph (2);
 - (l) by inserting, immediately after sub-paragraph (2), the following sub-paragraphs:
 - “(3) In sub-paragraph (2)(c), a trustee of a trust is an existing customer of a person if —
 - (a) the person had, immediately before 8 October 2018, entered into a transaction with the trustee, in the course of carrying

out a regulated activity or providing a financial advisory service to the trustee;

(b) the trustee had entered into the transaction mentioned in sub-paragraph (a) in its or his capacity as the trustee of the trust; and

(c) the trustee was treated by the person as an accredited investor in that transaction.

(4) In this paragraph —

“financial adviser’s licence” and “financial advisory service” have the meanings given by section 2(1) of the Financial Advisers Act (Cap. 110);

“licensed financial adviser” means a holder of a financial adviser’s licence under the Financial Advisers Act.”; and

(m) by deleting sub-paragraphs (3) and (4).

[G.N. Nos. S 649/2018; S 675/2018]

Made on 28 March 2019.

RAVI MENON
Managing Director,
Monetary Authority of Singapore.

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