

FINANCIAL ADVISERS ACT
(CHAPTER 110, SECTIONS 6(3), 8, 9, 14, 16(2), 18, 19(1), 23, 24,
28, 32, 36(7), 39, 45, 48(1), 56, 57, 63, 94, 100 AND 104)

FINANCIAL ADVISERS REGULATIONS

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[1st October 2002]

PART I
PRELIMINARY

Citation

1. These Regulations may be cited as the Financial Advisers Regulations.

Definitions

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

“accredited investor” has the same meaning as in section 4A(1)(a) of the Securities and Futures Act (Cap. 289);

[S 362/2005 wef 01/07/2005]

[S 274/2008 wef 28/05/2008]

“advertisement” means any dissemination or conveyance of information in connection with a promotion of, or an invitation or a solicitation in respect of, any product or service, by any means or in any form, including by means of —

- (a) publication in a newspaper, magazine, journal or other periodical;
- (b) display of posters or notices;
- (c) circulars, handbills, brochures, pamphlets, books or other documents;
- (d) letters addressed to individuals or bodies;
- (e) photographs or cinematograph films; or

(f) sound broadcasting, television, the Internet or other media;

[S 385/2018 wef 09/07/2018]

“approved exchange” has the same meaning as in section 2(1) of the Securities and Futures Act (Cap. 289);

[S 659/2018 wef 08/10/2018]

“bonds” includes —

- (a) any note, bond or Treasury Bill;
- (b) an option in respect of any note, bond or Treasury Bill; and
- (c) such other securities or class of securities as the Authority may from time to time, by a guideline issued by the Authority, determine;

“capital markets products” has the same meaning as in section 2(1) of the Securities and Futures Act (Cap. 289);

“capital markets services licence” has the same meaning as in section 2(1) of the Securities and Futures Act;

[S 385/2018 wef 09/07/2018]

“client’s money or property” has the same meaning as in section 28(4) of the Act;

“derivatives contract” has the same meaning as in section 2(1) of the Securities and Futures Act;

[S 659/2018 wef 08/10/2018]

“entity” includes a corporation, an unincorporated association, a partnership and the government of any state, but does not include a trust;

[S 362/2005 wef 01/07/2005]

“ex-accredited investor” means any of the following:

- (a) an individual who was an accredited investor under section 4A(1)(a)(i) of the Securities and Futures Act (Cap. 289) as in force immediately before 8 October 2018, but who ceases to be an accredited investor

under section 4A(1)(a)(i), read with section 4A(1A), of that Act as in force on or after 8 October 2018;

- (b) a partnership (other than a limited liability partnership within the meaning of the Limited Liability Partnerships Act (Cap. 163A)) in which each partner was an accredited investor under section 4A(1)(a) of the Securities and Futures Act as in force immediately before 8 October 2018, but any individual partner of which ceases to be an accredited investor under section 4A(1)(a)(i), read with section 4A(1A), of that Act as in force on or after 8 October 2018;
- (c) a corporation (the sole business of which is to hold investments) the entire share capital of which is owned by one or more accredited investors under section 4A(1)(a) of the Securities and Futures Act as in force immediately before 8 October 2018, but any individual of such accredited investors ceases to be an accredited investor under section 4A(1)(a)(i), read with section 4A(1A), of that Act as in force on or after 8 October 2018;

[S 294/2019 wef 08/10/2018]

“exchange-traded derivatives contract” has the same meaning as in section 2(1) of the Securities and Futures Act;

[S 659/2018 wef 08/10/2018]

“existing customer”, in relation to a person (*A*), means —

- (a) a person (*B*) to whom *A* has provided any financial advisory service before 8 October 2018, and who was treated by *A* as an accredited investor when *A* provided that financial advisory service to *B*; or
- (b) a person (*C*) with whom *A* has entered into an agreement before 8 October 2018 to provide any financial advisory service, and who was treated as an

accredited investor when *A* entered into the agreement with *C*;

[S 294/2019 wef 08/10/2018]

“expert investor” has the same meaning as in section 4A(1)(b) of the Securities and Futures Act;

[S 362/2005 wef 01/07/2005]

[S 274/2008 wef 28/05/2008]

“foreign company” has the same meaning as in section 4(1) of the Companies Act (Cap. 50);

“foreign exchange OTC derivatives contract” means an OTC derivatives contract entered into on a margin basis the value of which is determined by reference to, is derived from, or varies by reference to —

- (a) the value or amount of any currency or currency index; or
- (b) fluctuations in the values or amounts of any currency or currency index;

[S 659/2018 wef 08/10/2018]

[Deleted by S 659/2018 wef 08/10/2018]

“futures contract” has the same meaning as in section 2(1) of the Securities and Futures Act;

[S 659/2018 wef 08/10/2018]

“Government securities” means securities issued or proposed to be issued by the Government, and includes —

- (a) any debenture, stock or bond issued or proposed to be issued by the Government;
- (b) any right or option in respect of any debenture, stock or bond referred to in paragraph (a);
- (c) any book-entry Government securities as defined in section 2 of the Development Loan (1987) Act (Cap. 81A) or section 2 of the Government Securities Act (Cap. 121A); and

(d) any book-entry Treasury Bill as defined in section 2 of the Local Treasury Bills Act (Cap. 167);

“guideline issued by the Authority” means a guideline or other document issued by the Authority under section 64 of the Act;

“institutional investor” has the same meaning as in section 4A(1)(c) of the Securities and Futures Act (Cap. 289);

[S 362/2005 wef 01/07/2005]

[S 274/2008 wef 28/05/2008]

“leveraged foreign exchange trading” has the same meaning as in section 2(1) of the Securities and Futures Act;

[S 659/2018 wef 08/10/2018]

“net asset value”, in relation to a corporation, means the excess of the value of the assets owned by the corporation over its liabilities;

“net head office funds”, in relation to a foreign company, means the net liability of the Singapore branch of that foreign company to its head office and any other branch outside of Singapore;

“on a margin basis”, in relation to a contract, means the entering of a contract by 2 parties where one party provides to the other party (whether directly or indirectly through such party’s agent) with money, securities, property or other collateral which represents only a part of the value of the contract;

[S 659/2018 wef 08/10/2018]

“over-the-counter derivatives contract” or “OTC derivatives contract” means a derivatives contract other than an exchange-traded derivatives contract;

[S 659/2018 wef 08/10/2018]

“overseas exchange” has the same meaning as in section 2(1) of the Securities and Futures Act;

[S 659/2018 wef 08/10/2018]

“paid-up capital” means ordinary shares and non-redeemable preference shares that have been fully paid for;

[S 383/2012 wef 07/08/2012]

“product advertisement” means an advertisement in respect of any investment product;

[S 385/2018 wef 09/07/2018]

[Deleted by S 659/2018 wef 08/10/2018]

“specified financial adviser” —

(a) in the case of regulation 39, has the meaning as in regulation 40B; and

(b) in any other case, means a licensed financial adviser or an exempt financial adviser mentioned in section 23(1)(a), (b), (c), (e), (ea) or (f) of the Act;

[S 385/2018 wef 09/07/2018]

“specified investment product” means —

(a) any specified OTC derivatives contract;

(b) any foreign exchange OTC derivatives contract arranged by any bank that is licensed under the Banking Act (Cap. 19) or any merchant bank that is approved as a financial institution under the Monetary Authority of Singapore Act (Cap. 186); or

(c) any spot foreign exchange contract for the purposes of leveraged foreign exchange trading arranged by any bank that is licensed under the Banking Act or any merchant bank that is approved as a financial institution under the Monetary Authority of Singapore Act;

[S 659/2018 wef 08/10/2018]

“specified OTC derivatives contract” means an OTC derivatives contract the value of which is determined by reference to, is derived from, or varies by reference to —

(a) the value or amount of any item other than any —

(i) securities;

- (ii) securities index;
 - (iii) currency; or
 - (iv) currency index; or
- (b) fluctuations in the values or amounts of one or more items other than any —
- (i) securities;
 - (ii) securities index;
 - (iii) currency; or
 - (iv) currency index;

[S 659/2018 wef 08/10/2018]

“specified person” —

- (a) in the case of regulation 40F, has the meaning under that provision; and
- (b) in any other case, means —
 - (i) a specified financial adviser; or
 - (ii) an appointed representative or a provisional representative of a specified financial adviser;

[S 385/2018 wef 09/07/2018]

“specified products” has the same meaning as in section 2(1) of the Securities and Futures Act;

[S 659/2018 wef 08/10/2018]

“spot foreign exchange contract” has the same meaning as in section 2(1) of the Securities and Futures Act;

[S 659/2018 wef 08/10/2018]

“venture capital fund” has the same meaning as in regulation 14(8) of the Securities and Futures (Licensing and Conduct of Business) Regulations (Cap. 289, Rg 10);

[S 586/2017 wef 20/10/2017]

“venture capital fund manager” means a holder of a capital markets services licence for fund management under the Securities and Futures Act (Cap. 289) who does not carry on

business in any regulated activity (as defined in that Act) other than the management of portfolios of specified products on behalf of venture capital funds.

[S 586/2017 wef 20/10/2017]

[S 659/2018 wef 08/10/2018]

(2) For the purposes of the definition of “net asset value” in paragraph (1) —

- (a) in determining the value of the assets owned by a corporation, any amount on account of goodwill or of any other intangible assets shall be disregarded; and
- (b) in determining the amount of the liabilities of a corporation —
 - (i) all contingent or prospective liabilities shall be taken into account; and
 - (ii) any amount on account of any liability related to the share capital of the corporation shall not be taken into account.

PART II

CONTROL OF PROVISION OF FINANCIAL ADVISORY SERVICES

Application of section 6 of Act

3.—(1) For the purposes of section 6 of the Act, in determining whether a person is engaging in any activity or conduct that is intended to or likely to induce the public in Singapore or any section thereof to use any financial advisory service provided by the person, regard shall be had to the following considerations:

- (a) whether the person uses any active communication device such as electronic-mail for the purpose of advertising or otherwise transmitting information about the financial advisory service to any person in Singapore;
- (b) where the person issues an advertisement about the financial advisory service —

- (i) whether the advertisement contains a prominent disclaimer containing a statement referred to in paragraph (2);
- (ii) whether the advertisement contains any information specifically relevant to persons in Singapore;
- (iii) whether the advertisement is referred to in, or is directly accessible from, any source which is calculated to draw the attention of persons in Singapore to the advertisement.

(2) For the purposes of paragraph (1)(b)(i), the disclaimer shall contain a statement to the effect that the advertisement to which it relates —

- (a) is directed at persons outside Singapore; or
- (b) may be acted upon only by persons outside Singapore.

Forms

4.—(1) The forms to be used for the purposes of these Regulations are those set out at the Authority's Internet website at <http://www.mas.gov.sg>, 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.

[S 716/2010 wef 26/11/2010]

[S 383/2012 wef 07/08/2012]

[S 659/2018 wef 08/10/2018]

(2) Any document required to be lodged with the Authority under any provision 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 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 or lodged in accordance with this regulation; or
 - (b) it is not accompanied by the relevant fee referred to in regulation 6.

(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.

[S 362/2005 wef 01/07/2005]

Lodgment of documents and undertaking of responsibilities for representative

4A.—(1) A notice of intent under section 23F(1)(a) of the Act by a principal to appoint an individual as an appointed representative in respect of a type of financial advisory service and a certificate under section 23F(1)(b) of the Act by the principal as to the fitness and propriety of the individual to be so appointed shall be in Form 3A.

(2) A notice of intent under section 23F(1)(a) of the Act by a principal to appoint an individual as a provisional representative in respect of a type of financial advisory service and a certificate under section 23F(1)(b) of the Act by the principal as to the fitness and propriety of the individual to be so appointed shall be in Form 3B.

(3) A principal who lodges with the Authority the certificate under section 23F(1)(b) of the Act shall retain copies of all information and documents which it relied on in giving the certificate for a period of 5 years from the date of lodgment.

(4) For the purposes of section 23F(1)(c) of the Act, a principal shall undertake all of the following responsibilities in relation to its representative:

- (a) to put in place measures to properly supervise the activities and conduct of the representative, including measures to ensure that all obligations assumed and liabilities incurred by him are properly fulfilled, whether actual or contingent

and howsoever arising, in relation to the provision of any financial advisory service;

- (b) to put in place measures, including proper training, to ensure that the representative understands and complies with all Singapore laws that are relevant to the financial advisory service provided by him;
 - (c) to ensure that the representative is accompanied at all times by any of the persons referred to in paragraph (5) when meeting any client or member of the public in the course of providing any financial advisory service;
 - (d) to ensure that the representative sends concurrently to any of the persons referred to in paragraph (5) all electronic mail that he sends to any client or member of the public in the course of providing any financial advisory service;
 - (e) to ensure that the representative does not communicate by telephone with any client or member of the public when providing any financial advisory service, other than by telephone conference in the presence of any of the persons referred to in paragraph (5).
- (5) The persons referred to in paragraph (4)(c), (d) and (e) are —
- (a) an appointed representative of the principal;
 - (b) a director of the principal who is approved under section 56 of the Act;
 - (c) an officer of the principal whose primary function is to ensure that the provision of the financial advisory service in question complies with the laws and requirements of the Authority applicable to the financial advisory service in question;
 - (d) an officer of the principal appointed by the principal to supervise the representative in providing the financial advisory service in question.
- (6) In paragraph (4)(c), (d) and (e), the reference to “client or member of the public” excludes any of the following:
- (a) an accredited investor;

- (b) an expert investor;
- (c) an institutional investor;
- (d) an ex-accredited investor who is an existing customer of the principal, but only in respect of the representative's provision of any financial advisory service in the period from 8 October 2018 to 7 April 2019 (both dates inclusive).

[S 294/2019 wef 08/10/2018]

[S 716/2010 wef 26/11/2010]

Provisional representative

4B.—(1) The period which the Authority may specify in the public register of representatives under section 23D(2) of the Act as the period which any named individual can be a provisional representative in respect of any type of financial advisory service shall not exceed 3 months from the date his name is entered in the register as a provisional representative.

(2) For the purposes of section 23D(5) of the Act, where a provisional representative in respect of a type of financial advisory service has satisfied the examination requirements specified for that type of financial advisory service, his principal shall inform the Authority of that fact by serving on the Authority —

- (a) a duly completed Form 3D; and
- (b) before the expiry of the period specified against his name in the public register of representatives under section 23D(2) of the Act.

(3) For the purposes of section 23J(1)(s)(i) and (ii) of the Act, the Authority may refuse to enter the name and other particulars of an individual in the public register of representatives as a provisional representative in respect of a type of financial advisory service if —

- (a) he is not or was not previously licensed, authorised or otherwise regulated as a representative in relation to a comparable type of financial advisory service in a foreign jurisdiction for a continuous period of at least 12 months; or

- (b) the period between the date of his ceasing to be so licensed, authorised or regulated in a foreign jurisdiction and the date of his proposed appointment as a provisional representative exceeds 12 months.

[S 716/2010 wef 26/11/2010]

Time for documents to be lodged

5. Where the period of time within which a document required under the Act or these Regulations to be lodged with the Authority is not prescribed, the document shall be lodged within 14 days after the occurrence of the event to which the document relates.

Fees

6.—(1) Subject to this regulation, the fees specified in the Second Schedule are payable to the Authority for the purposes, in the manner and at the times specified therein.

(2) Where —

- (a) the name of a person is entered in the public register of representatives as a provisional representative;
- (b) he pays the annual fee referred to in section 23H(2) of the Act for the retention of his name in the public register of representatives as a provisional representative for a period of time; and
- (c) his name is subsequently entered in the register as an appointed representative at any time during that period or on the business day immediately following the expiry of that period,

then the person is treated as having paid the annual fee for the continuing retention of his name in the register as an appointed representative, in respect of the financial advisory service provided by the person while he was a provisional representative.

(3) For the purposes of sections 14(4) and 23H(5) of the Act, the late payment fee is \$100 for every day or part thereof that the payment is late subject to a maximum of \$3,000.

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

(5) The Authority may, as it thinks fit, waive the whole or any part of any fee payable under section 8, 14, 16, 23A or 23H of the Act.

[S 716/2010 wef 26/11/2010]

Manner of application for financial adviser's licence

7. An application for the grant of a financial adviser's licence shall be in Form 1 and shall be lodged with the Authority together with any relevant annex and information as may be specified in the Form or by the Authority from time to time.

[S 362/2005 wef 01/07/2005]

[S 716/2010 wef 26/11/2010]

Lapsing of financial adviser's licence

8.—(1) For the purposes of section 19(1)(b) of the Act, where the Authority has not revoked or suspended the licence of a financial adviser under section 19(2) or (3) of the Act, respectively, the licence shall lapse —

- (a) if the financial adviser has not commenced business in at least one of the financial advisory services authorised to be provided by the licence for a continuous period of 6 months after the grant of the licence (or such longer period as the Authority may allow), immediately upon the expiry of that period; or
- (b) if the financial adviser —
 - (i) has ceased to carry on business in providing all of the financial advisory services authorised to be provided by the licence;
 - (ii) has not resumed business in any of those financial advisory services for a continuous period of 2

months from the date of such cessation of business;
and

- (iii) has not notified the Authority of such cessation of business at any time during that period of 2 months, immediately upon the expiry of that period of 2 months.

[S 716/2010 wef 26/11/2010]

(2) *[Deleted by S 716/2010 wef 26/11/2010]*

Cessation of status of appointed representative

8A. For the purpose of section 23C(4)(e) of the Act, unless the Authority has revoked the status of an individual as an appointed representative under section 23J(1) of the Act or suspended that status under section 23J(2)(a) of the Act, the individual shall cease to be an appointed representative in respect of all types of financial advisory service if —

- (a) before the end of the period of 6 months (or such longer period as the Authority may allow in any particular case) starting on the date on which the individual's name was entered in the public register of representatives as an appointed representative, the appointed representative has not commenced to act as a representative in at least one of the financial advisory services that the individual was appointed to provide as a representative; or

[S 659/2018 wef 08/10/2018]

- (b) the appointed representative —
 - (i) has ceased to act as a representative in respect of all of the financial advisory services he was appointed to provide as a representative; and
 - (ii) has not resumed acting as a representative in respect of any of those financial advisory services for a continuous period of one month from the date of cessation,

and his principal has not notified the Authority of such cessation at any time during that period of one month.

[S 716/2010 wef 26/11/2010]

Variation of financial adviser's licence

9.—(1) An application for the variation of a financial adviser's licence under section 16 of the Act shall be in Form 2 and shall be lodged with the Authority together with any relevant annex and information as may be specified in the Form or by the Authority from time to time.

(2) Where the Authority adds to, varies or revokes any condition or restriction of a financial adviser's licence under section 13(3) of the Act or imposes further conditions or restrictions on such a licence, the Authority may require the licensed financial adviser to return its licence to the Authority for cancellation and issuance of a new licence, and the licensed financial adviser shall comply with such a requirement.

(3) Where the Authority —

(a) has approved an application of a licensed financial adviser under section 16(1)(a) of the Act to add to its licence one or more types of financial advisory service authorised to be provided by its licence; or

(b) has approved an application of a licensed financial adviser under section 16(1)(b) of the Act to add to its licence one or more of the following types of investment product in relation to which it provides any financial advisory service:

(i) securities;

[S 659/2018 wef 08/10/2018]

(ii) units in a collective investment scheme;

[S 659/2018 wef 08/10/2018]

(iii) exchange-traded derivatives contracts;

[S 659/2018 wef 08/10/2018]

(iv) OTC derivatives contracts;

[S 659/2018 wef 08/10/2018]

(iva) spot foreign exchange contracts;

[S 659/2018 wef 08/10/2018]

(v) life policies;

(vi) structured deposits,

the licensed financial adviser shall immediately return its licence to the Authority for cancellation and issuance of a new licence.

(4) Any licensed financial adviser which, without reasonable excuse, fails to return its licence under paragraph (2) or (3) shall be guilty of an offence.

[S 716/2010 wef 26/11/2010]

Change in particulars and additional financial advisory service of representative

10.—(1) An appointed representative shall notify his principal of any change in any of his particulars, being particulars set out in Form 3A, within 7 days after the occurrence of such change.

(2) A provisional representative shall notify his principal of any change in any of his particulars, being particulars set out in Form 3B, within 7 days after the occurrence of such change.

(3) *[Deleted by S 659/2018 wef 08/10/2018]*

(4) *[Deleted by S 659/2018 wef 08/10/2018]*

(5) *[Deleted by S 659/2018 wef 08/10/2018]*

(6) Any person who, without reasonable excuse, contravenes paragraph (1) or (2) shall be guilty of an offence.

[S 659/2018 wef 08/10/2018]

(7) For the purposes of section 23F(5) of the Act, the principal of an appointed or a provisional representative shall notify the Authority of a change in the particulars of the representative in Form 18.

(8) A notice under section 23I(2) of the Act by a principal of its intention to appoint an appointed representative in respect of a type of financial advisory service in addition to that indicated against the

appointed representative's name in the public register of representatives shall be in Form 7.

[S 716/2010 wef 26/11/2010]

11. *[Deleted by S 716/2010 wef 26/11/2010]*

Cessation of financial advisory service by financial adviser

12.—(1) Where a licensed financial adviser ceases to provide every type of financial advisory service authorised by its licence, it shall lodge with the Authority a notice in Form 5 within 14 days from the date of cessation.

(2) Where a licensed financial adviser ceases to provide any type of financial advisory service authorised by its licence but has not ceased to act as a financial adviser, it shall, within 14 days from the date of cessation, return its licence to the Authority, and lodge with the Authority a notice in Form 5.

(3) Where a licensed financial adviser ceases to provide financial advisory service in respect of any type of investment product authorised by its licence but has not ceased to act as a financial adviser, it shall, within 14 days from the date of cessation, return its licence to the Authority, and lodge with the Authority a notice in Form 5.

(4) Where a licensed financial adviser has not commenced to provide, by the end of the period of 6 months (or such longer period as the Authority may allow in any particular case) from the date of the grant of the licence, every type of financial advisory service to which its licence relates, it shall immediately return its licence to the Authority and lodge with the Authority a notice in Form 5.

(5) Where a licensed financial adviser has commenced to provide, by the end of the period of 6 months (or such longer period as the Authority may allow in any particular case) from the date of the grant of the licence —

- (a) one or more but not all the types of financial advisory service; or
- (b) financial advisory service in respect of one or more but not all the types of investment product,

to which the licence relates, it shall immediately return its licence to the Authority and lodge with the Authority a notice in Form 5.

(6) Upon receipt of the notice and licence mentioned in paragraph (2), (3), (4) or (5) —

- (a) the Authority may cancel the licence; and
- (b) except where the licence is returned under paragraph (4), the Authority may issue to the financial adviser a new licence in respect of the remaining type or types of financial advisory service or services and investment product or products authorised by its licence mentioned in paragraph (2), (3) or (5), as the case may be.

[S 659/2018 wef 08/10/2018]

(7) Any licensed financial adviser which, without reasonable excuse, fails to return its licence under paragraph (2), (3), (4) or (5) shall be guilty of an offence.

[S 716/2010 wef 26/11/2010]

Lodgment of particulars of cessation

12A.—(1) For the purposes of sections 23C(8) and 23D(4) of the Act read with section 23C(8) of the Act, particulars that an individual has ceased to be a representative of a principal, or has ceased to provide any type of financial advisory service which he is appointed to provide, shall be furnished to the Authority in Form 10.

(2) Where an appointed representative has ceased to be a representative by virtue of regulation 8A(a), his principal shall immediately lodge with the Authority a notice of this in Form 10.

[S 716/2010 wef 26/11/2010]

Application for appointment of chief executive officer or director

13.—(1) For the purposes of section 56(1) of the Act, a licensed financial adviser shall submit to the Authority an application for approval of the appointment of a person (referred to in this regulation as the appointee) as its chief executive officer or director, or to change

the nature of the appointment of a person as a director from one that is non-executive to one that is executive, in Form 11.

[S 716/2010 wef 26/11/2010]

(2) For the purposes of section 56(2) of the Act, the Authority shall have regard to the following criteria in determining whether to grant its approval in respect of an application made under paragraph (1):

(a) whether the licensed financial adviser has provided the Authority with such information relating to the appointee or director as the Authority may require;

[S 716/2010 wef 26/11/2010]

(aa) whether the appointee or director has had a prohibition order under section 59 of the Act made against him that still remains in force;

[S 716/2010 wef 26/11/2010]

(b) whether the appointee or director is an undischarged bankrupt in Singapore or elsewhere;

[S 716/2010 wef 26/11/2010]

(c) whether execution against the appointee or director in respect of a judgment debt has been returned unsatisfied in whole or in part;

[S 716/2010 wef 26/11/2010]

(d) whether the appointee or director has, in Singapore or elsewhere, entered into a compromise or scheme of arrangement with his creditors, being a compromise or scheme of arrangement that is still in operation;

[S 716/2010 wef 26/11/2010]

(e) whether the appointee or director —

(i) has been convicted, whether in Singapore or elsewhere, of an offence involving fraud or dishonesty or the conviction for which involved a finding that he had acted fraudulently or dishonestly;
or

(ii) has been convicted of an offence under the Act;

[S 716/2010 wef 26/11/2010]

(f) the educational or other qualification, experience or expertise of the appointee or director, having regard to the nature of the duties he is to perform as a chief executive officer, director or executive director, as the case may be, of the licensed financial adviser;

[S 716/2010 wef 26/11/2010]

(g) whether the appointee or director is a fit and proper person to be a chief executive officer, director or executive director, as the case may be, of the licensed financial adviser;

[S 716/2010 wef 26/11/2010]

(h) the financial standing of the appointee or director;

[S 716/2010 wef 26/11/2010]

(i) the past performance of the appointee or director, having regard to the nature of the duties he is to perform as a chief executive officer, director or executive director, as the case may be, of the licensed financial adviser;

[S 716/2010 wef 26/11/2010]

(j) whether there is reason to believe that the appointee or director will not conduct himself with professionalism or act in an ethical manner in discharging the duties he is to perform as a chief executive officer, director or executive director, as the case may be, of the licensed financial adviser.

[S 716/2010 wef 26/11/2010]

Duties of licensed financial adviser

14.—(1) A licensed financial adviser shall —

(a) comply with all laws and rules governing the operations of the financial adviser; and

(b) in a manner that is commensurate with the nature, scale and complexity of its business —

(i) implement, and ensure compliance with, effective written policies on all operational areas of the financial adviser, including the financial adviser's

financial policies, and accounting and internal controls; and

- (ii) put in place compliance function and arrangements including specifying the roles and responsibilities of officers and employees of the financial adviser in helping to ensure its compliance with all applicable laws, codes of conduct and standards of good practice in order to protect investors and reduce its risk of incurring legal or regulatory sanctions that may be imposed by the Authority or any other public authority, financial loss, and reputational damage;
- (iii) identify, address and monitor the risks associated with the business activities of the financial adviser;
- (iv) ensure that the business activities of the financial adviser are subject to compliance checks;
- (v) set out in writing the limits of the discretionary powers of each officer, committee, sub-committee or other group of persons of the financial adviser empowered to commit the financial adviser to any financial undertaking or to expose the financial adviser to any reputational risk;
- (vi) keep a written record of the steps taken by the financial adviser to monitor compliance with its policies, its accounting and operating procedures, and the limits on discretionary powers;
- (vii) ensure the accuracy, correctness and completeness of any report, return or statement submitted by the financial adviser to the Authority; and
- (viii) ensure effective controls and segregation of duties to mitigate potential conflicts of interest that may arise from the operations of the financial adviser.

(2) Any licensed financial adviser which contravenes paragraph (1) shall be guilty of an offence.

[S 383/2012 wef 07/08/2012]

[S 166/2013 wef 28/03/2013]

Criteria for determining if chief executive officer or director of licensed financial adviser has breached duties

14AA. For the purposes of section 57(2) of the Act and without prejudice to any other matter that the Authority may consider relevant, the Authority shall, in determining whether a chief executive officer or a director of a licensed financial adviser has failed to discharge the duties or functions of his office, have regard to whether the chief executive officer or director has ensured compliance by the financial adviser with each of the duties specified in regulation 14.

[S 166/2013 wef 28/03/2013]

Financial advisers and representatives, etc., to be fit and proper persons

14A.—(1) For the purposes of section 23(9) of the Act —

(a) a person who is exempted from holding a financial adviser's licence under section 23(1)(a), (b), (c), (d), (e) or (ea) of the Act shall ensure that —

(i) it is a fit and proper person in relation to the provision of every financial advisory service for which it is exempted; and

[S 716/2010 wef 26/11/2010]

(ii) its representatives are fit and proper persons in relation to their acting as its representatives; and

(b) a person who is exempted from holding a financial adviser's licence under regulation 27(1)(d) shall ensure that —

(i) he is a fit and proper person in relation to the provision of every financial advisory service for which he is exempted;

[S 716/2010 wef 26/11/2010]

(ii) his representatives are fit and proper persons in relation to their acting as his representatives; and

- (iii) where the person is an entity —
- (A) its directors or equivalent persons are fit and proper persons for office;
 - (B) its substantial shareholders or equivalent persons are fit and proper persons to be in such capacity; and
 - (C) persons (other than a person referred to in sub-paragraph (A) or (B)) alone or acting together with any connected person, who —
 - (CA) control, directly or indirectly, not less than 20% of the voting power or such equivalent decision-making power in the entity; or
 - (CB) acquire or hold, directly or indirectly, not less than 20% of the issued shares or such equivalent share of ownership of the entity,are fit and proper persons to control such power or hold such shares or share of ownership.

[S 274/2008 wef 28/05/2008]

- (2) A licensed financial adviser shall ensure that —
- (a) it is a fit and proper person in relation to the provision of every financial advisory service for which it is licensed;
 - (b) its representatives are fit and proper persons in relation to their acting as its representatives;
 - (c) its substantial shareholders or equivalent persons are fit and proper persons in their capacity as such; and
 - (d) its chief executive officer, directors or equivalent persons are fit and proper persons for office.

[S 716/2010 wef 26/11/2010]

[S 362/2005 wef 01/07/2005]

PART III

FINANCIAL REQUIREMENTS FOR LICENSED FINANCIAL
ADVISERS

[S 716/2010 wef 26/11/2010]

Minimum financial requirements

15. For the purposes of section 9(1)(b) of the Act, the applicant shall meet the following minimum financial requirements for the grant of a financial adviser's licence:

- (a) in the case of an applicant which intends to carry on or which, as a licensed financial adviser, is carrying on, a business of providing any or all of the following financial advisory services:
 - (i) advising others (other than in the manner specified in sub-paragraph (ii)), either directly or through publications or writings, and whether in electronic, print or other form, concerning —
 - (A) futures contracts;
 - (B) spot foreign exchange contracts; or
 - (C) OTC derivatives contracts the value of which is determined by reference to, is derived from, or varies by reference to —
 - (CA) the value or amount of one or more currencies; or
 - (CB) fluctuations in the values or amounts of one or more currencies or currencies indices;

[S 659/2018 wef 08/10/2018]

- (ii) advising others by issuing or promulgating research analyses or research reports, whether in electronic, print or other form, concerning —
 - (A) futures contracts;
 - (B) spot foreign exchange contracts; or

(C) OTC derivatives contracts the value of which is determined by reference to, is derived from, or varies by reference to —

(CA) the value or amount of one or more currencies; or

(CB) fluctuations in the values or amounts of one or more currencies or currencies indices,

[S 659/2018 wef 08/10/2018]

the paid-up capital of the applicant is not less than \$300,000 or, where the applicant is a foreign company, its net head office funds are not less than \$300,000; or

[S 716/2010 wef 26/11/2010]

(b) in any other case, the paid-up capital of the applicant is not less than \$150,000 or, where the applicant is a foreign company, its net head office funds are not less than \$150,000.

[S 716/2010 wef 26/11/2010]

Continuing financial requirements

16.—(1) For the purposes of section 9(1)(b) of the Act, a licensed financial adviser, not being a foreign company, shall at all times maintain a net asset value of not less than —

(a) in the case where it does not have an immediately preceding financial year, three-quarters of the minimum paid-up capital required under regulation 15; or

(b) in any other case —

(i) one-quarter of its relevant annual expenditure of the immediately preceding financial year; or

(ii) three-quarters of the minimum paid-up capital required under regulation 15,

whichever is the higher.

(2) For the purposes of section 9(1)(b) of the Act, a licensed financial adviser which is a foreign company shall at all times maintain net head office funds of not less than —

- (a) in the case where it does not have an immediately preceding financial year, the minimum net head office funds required under regulation 15; or
- (b) in any other case —
 - (i) one-quarter of its relevant annual expenditure of the immediately preceding financial year; or
 - (ii) the minimum net head office funds required under regulation 15,

whichever is the higher.

(3) For the purposes of paragraphs (1)(b)(i) and (2)(b)(i), the relevant annual expenditure of a licensed financial adviser for the immediately preceding financial year means the total expenditure of the financial adviser for that year less the following:

- (a) staff bonuses (except to the extent that they are guaranteed);
- (b) employees' and directors' shares in profits (except to the extent that they are guaranteed); and
- (c) any commission or fee paid to its representatives which is directly related to the commission or fee received by the financial adviser.

Professional indemnity insurance

17. For the purposes of section 9(1)(c) of the Act, the limit of indemnity to be covered under the professional indemnity insurance policy for the grant of a financial adviser's licence in respect of all types of financial advisory service to be provided or provided by the applicant for such licence shall be an amount of not less than \$500,000, under which the deductible allowed shall be —

- (a) in the case of an applicant which is a foreign company —
 - (i) where the foreign company does not have an immediately preceding financial year, not more than 20% of its net head office funds before the date on which the licence is granted; or
 - (ii) in any other case, not more than 20% of the net head office funds of the applicant as at the end of its immediately preceding financial year; or
- (b) in the case of any other applicant —
 - (i) where the applicant does not have an immediately preceding financial year, not more than 20% of its paid-up capital; or
 - (ii) in any other case, not more than 20% of the net asset value of the applicant as at the end of its immediately preceding financial year.

[S 716/2010 wef 26/11/2010]

PART IV

CONDUCT OF BUSINESS

Unsecured advances, unsecured loans and unsecured credit facilities

18.—(1) No licensed financial adviser shall grant any unsecured advance, unsecured loan or unsecured credit facility —

- (a) to a director of the licensed financial adviser who is not an employee of the licensed financial adviser; or
- (b) to any other officer or an employee of the licensed financial adviser (including a director who is its employee) or any of its representatives,

which in the aggregate and outstanding at any one time, exceeds \$3,000.

(2) In this regulation —

“director” includes the spouse, father, step-father, mother, step-mother, son, adopted son, step-son, daughter, adopted daughter, step-daughter, brother, step-brother, sister or step-sister, of the director;

“market value”, in relation to assets which are specified products listed for quotation, or quoted, on an approved exchange or an overseas exchange, means —

- (a) the last transacted price of the specified products traded on the approved exchange or overseas exchange on the immediately preceding business day;
- (b) if there was no trading in the specified products on the immediately preceding business day, then, subject to paragraph (c), the lower of the last transacted price and last bid price of the specified products in the immediately preceding 30 days; or
- (c) if there was no trading in the specified products in the immediately preceding 30 days —
 - (i) the value of the specified products as estimated by the exchange; or
 - (ii) in the absence of such a value, zero value or any other value as approved by the Authority before the grant of the advance, loan or credit facility as mentioned in paragraph (1), or provision of those assets as fresh security, as the case may be;

[S 659/2018 wef 08/10/2018]

“unsecured advance”, “unsecured loan” or “unsecured credit facility” includes —

- (a) any advance or loan made without security;
- (b) any advance, loan or credit facility made with security, where the advance, loan or credit facility

or any amount due and owing thereunder at any time exceeds —

- (i) the market value of the assets constituting that security; or
 - (ii) where the Authority is satisfied that there is no established market value for those assets, on the basis of a valuation of those assets as approved by the Authority and notified to the licensed financial adviser before the grant of the advance, loan or credit facility;
- (c) any guarantee or performance bond entered into by the licensed financial adviser, or the provision of any security by the licensed financial adviser, in connection with any advance, loan or credit facility made by another party to any of its officers, employees or representatives; and
- (d) any credit facility without security, whether it has been drawn-down or not.

(3) Any licensed financial adviser which contravenes paragraph (1) shall be guilty of an offence.

(4) For the avoidance of doubt, this regulation is without prejudice to section 162 of the Companies Act (Cap. 50) (loans to directors).

[S 716/2010 wef 26/11/2010]

Non-application of section 27 of Act

18A. Section 27 of the Act shall not apply to a licensed financial adviser, an exempt financial adviser, or any of its representatives, when making a recommendation with respect to any investment product —

- (a) to the public or to a section of the public;
- (b) which would not be regarded by a reasonable person within the public or a section of the public, as the case may be, as a recommendation that has taken into account his specific investment objectives, financial situation or particular needs; and

- (c) which is accompanied by a prominent written disclaimer stating that —
- (i) the recommendation is intended for general circulation;
 - (ii) the recommendation does not take into account the specific investment objectives, financial situation or particular needs of any particular person; and
 - (iii) advice should be sought from a financial adviser regarding the suitability of the investment product, taking into account the specific investment objectives, financial situation or particular needs of any person in receipt of the recommendation, before the person makes a commitment to purchase the investment product.

[S 362/2005 wef 01/07/2005]

[S 716/2010 wef 26/11/2010]

Product due diligence

18B.—(1) Before selling or marketing any new product in Singapore to any targeted client, a financial adviser shall carry out a due diligence exercise to ascertain whether the new product is suitable for the targeted client.

(2) A due diligence exercise required to be carried out under paragraph (1) shall include an assessment of all the following areas:

- (a) the type of targeted client the new product is suitable for and whether the new product matches the client base of the financial adviser;
- (b) the investment objective of the new product;
- (c) the key risks that a targeted client who invests in the new product potentially faces;
- (d) the costs and fees to be incurred by a targeted client investing in the new product as compared to other products with similar features sold by the financial adviser;

- (e) the processes in place for a representative of the financial adviser to determine whether the new product is suitable for the targeted client, taking into consideration the nature, key risks and features of the new product;
 - (f) how the new product is intended to be marketed or sold;
 - (g) whether any additional measures are necessary to mitigate any conflict of interest between a representative of the financial adviser and his targeted client, arising from the remuneration of such representative as a result of the sale of the new product to that targeted client;
 - (h) the minimum qualifications or training required for a representative of the financial adviser before such representative commences financial advisory services in respect of the new product; and
 - (i) whether the current systems of the financial adviser, including all relevant client sales documents, adequately support the sale of the new product to the targeted client.
- (3) No financial adviser shall sell or market any new product to any targeted client unless every member of the senior management of the financial adviser has, on the basis of the result of the due diligence exercise carried out on the new product under paragraph (1) —
- (a) personally satisfied himself that the new product is suitable for the targeted client; and
 - (b) personally approved the sale or marketing of the new product to the targeted client.
- (4) Notwithstanding paragraph (3), the senior management of the financial adviser may, with the unanimous consent of all its members, designate —
- (a) a person who is not a member of the senior management (referred to in this regulation as the designated person) to personally satisfy himself and approve in accordance with the requirements referred to in paragraph (3)(a) and (b); or
 - (b) a committee comprising persons who are not members of the senior management (referred to in this regulation as the

designated committee) and every member of the designated committee shall personally satisfy himself and approve in accordance with the requirements referred to in paragraph (3)(a) and (b),

as the case may be; and every member of the senior management shall ensure that the designated person or every member of the designated committee, as the case may be, fulfills those requirements.

(5) A failure by any member of the senior management to fulfill any of the requirements set out in paragraph (3) or (4) shall be deemed to be a failure of that member to discharge the duties or functions of his office under section 57(1)(c) of the Act.

(6) Where the senior management of the financial adviser contravenes paragraph (4) by designating a designated person or designated committee without the unanimous consent of all of its members, every member of the senior management who consented to such designation will be deemed to have failed to discharge the duties or functions of his office under section 57(1)(c) of the Act.

(7) A financial adviser shall maintain records of —

- (a) any due diligence exercise carried out under paragraph (1) in respect of a new product sold or marketed by the financial adviser; and
- (b) any approval referred to in paragraph (3)(b) for the sale or marketing of that new product by the members of the senior management of the financial adviser, the designated person or the members of the designated committee, as the case may be,

for a period of not less than 5 years after the date on which the approval referred to in sub-paragraph (b) is first obtained.

(8) For the avoidance of doubt, no financial adviser shall sell or market any new product to any targeted client if the due diligence exercise required to be and carried out under paragraph (1) indicates that the new product is not suitable for the targeted client.

(9) In this regulation —

“key risk” means any risk to a client’s investment in a new product, and includes any market risk, liquidity risk and product-specific risk;

“member of the senior management”, in relation to a financial adviser, means any person for the time being holding the office of chief executive officer or executive director of the financial adviser, including any person carrying out the duties of any such office if the office is vacant;

“new product”, in relation to a financial adviser —

(a) means any investment product that has not been previously sold or marketed by the financial adviser, or any representative of the financial adviser, other than —

(i) any spot foreign exchange contract other than for the purposes of leveraged foreign exchange trading;

(ii) any futures contract traded on an approved exchange, an overseas exchange or a recognised market operator; or

(iii) any specified product quoted on an approved exchange, an overseas exchange or a recognised market operator; and

[S 659/2018 wef 08/10/2018]

(b) includes any investment product other than the products referred to in paragraph (a)(i), (ii) and (iii), which varies in any manner (other than in respect of the maturity date of the investment product) from any investment product which has been previously sold or marketed by the financial adviser or any representative thereof;

“targeted client”, in relation to a financial adviser who intends to sell or market a new product, means any client to whom the

financial adviser intends to sell or market the new product, other than a client that is any of the following:

- (a) an accredited investor;
- (b) an expert investor;
- (c) an institutional investor;
- (d) an ex-accredited investor who is an existing customer of the financial adviser, but only in respect of the financial adviser's intention to sell or market the new product in the period from 8 October 2018 to 7 April 2019 (both dates inclusive).

[S 294/2019 wef 08/10/2018]

(10) Any financial adviser which, without reasonable excuse, contravenes this regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000.

[S 433/2011 wef 28/07/2011]

19. *[Deleted by S 659/2018 wef 08/10/2018]*

Insurance broking premium accounts

20.—(1) A financial adviser shall pay into a bank account maintained by it under section 32(1) of the Act all moneys received by it —

- (a) from or on behalf of an insured or intending insured for or on account of an insurer in connection with a contract of insurance or proposed contract of insurance; or
- (b) from or on behalf of an insurer for or on account of an insured or intending insured.

(2) No financial adviser shall withdraw moneys from a bank account maintained by it under section 32(1) of the Act without the prior written consent of the Authority.

(3) Paragraph (2) shall not apply to any withdrawal of moneys from a bank account maintained by the financial adviser under section 32(1) of the Act for —

- (a) any payment to or for a person entitled to receive payment of the moneys, including itself in so far as it is entitled to receive payment for itself;
- (b) any payment to or for an insurer in respect of amounts due to the insurer under or in relation to a contract of insurance;
- (c) any investment by way of deposits placed with any bank licensed under the Banking Act (Cap. 19); or
- (d) any repayment of moneys that were paid into the account in error.

(4) A financial adviser shall pay moneys received from the realisation of any investment made under paragraph (3)(c) into a bank account maintained by it under section 32(1) of the Act.

(5) If, upon the realisation of any investment made under paragraph (3)(c), the amount of moneys received in respect of the realisation is less than the amount of moneys invested, the financial adviser shall pay, into the account from which the moneys were withdrawn for investment, an amount equal to the difference between the amount invested and the amount realised.

(6) Subject to paragraphs (7), (8) and (9), a financial adviser shall pay into, or retain in, a bank account maintained by it under section 32(1) of the Act any interest or other income that is received by it under the bank account or from any deposit made under paragraph (3)(c).

(7) Subject to paragraph (8), interest or other income arising from any payment which is due to the insurer under or in relation to a contract of insurance where the cover commences on or after 1st October 2002, that is received by a financial adviser from —

- (a) any bank account maintained by it under section 32(1) of the Act; or
- (b) any deposit made under paragraph (3)(c),

shall belong to the insurer, but may be retained by the financial adviser for its own benefit with the insurer's prior consent, and need not be paid into, or retained in, a bank account maintained by it under section 32(1) of the Act.

(8) Interest or other income arising from any payment which is due to an insurer under or in relation to a contract of insurance where the cover commences on or after 1st October 2002 that is received by a financial adviser from —

(a) any bank account maintained by it under section 32(1) of the Act; or

(b) any deposit made under paragraph (3)(c),

after the credit period shall not be retained by the financial adviser for its own benefit and shall immediately be paid over to the insurer to whom such payment is due.

(9) Interest or other income arising from any payment which is due to an insurer under or in relation to a contract of insurance where the cover commences before 1st October 2002 that is received by a financial adviser from —

(a) any bank account maintained by it under section 32(1) of the Act; or

(b) any deposit made under paragraph (3)(c),

may be retained by the financial adviser for its own benefit and need not be paid into, or retained in, a bank account maintained by it under section 32(1) of the Act.

(10) A financial adviser which receives any payment which is due to the insurer under or in relation to a contract of insurance shall —

(a) where the cover commences before 1st October 2002, pay the amount to the insurer not later than 31st December 2002; and

(b) where the cover commences on or after 1st October 2002, pay the amount within the credit period.

(11) Paragraph (10)(a) shall not affect any agreement between the financial adviser and the insurer to pay any sum that is due to the insurer under or in relation to a contract of insurance before 31st December 2002.

(12) A financial adviser shall designate any bank account maintained by it under section 32(1) of the Act, and any deposit

placed with a bank under paragraph (3)(c), as an insurance broking premium account, with or without other words of description.

(13) In this regulation —

“contract of insurance” includes a contract of insurance that is subsequently cancelled;

“credit period” means —

(a) the period within which the financial adviser has agreed with the insurer to make payments of any amount due to the insurer under or in relation to a contract of insurance; or

(b) 90 days from the date of commencement of cover under the contract of insurance,

whichever is the earlier;

“financial adviser” means a licensed financial adviser or an exempt financial adviser which carries on the business of arranging contracts of insurance in respect of life policies.

(14) Any financial adviser which contravenes this regulation shall be guilty of an offence.

Register of interests in listed specified products

20A.—(1) Each of the following persons (referred to in this regulation and regulation 20B as a relevant person), namely:

(a) a licensed financial adviser who provides any financial advisory service in respect of listed specified products; and

[S 659/2018 wef 08/10/2018]

(b) a representative of such a financial adviser,

shall —

(i) maintain a register of his interests in listed specified products;

[S 659/2018 wef 08/10/2018]

(ii) enter in the register, within 7 days after the date that he acquires any interest in listed specified products,

particulars of the listed specified products in which he has an interest and particulars of his interest in those listed specified products;

[S 659/2018 wef 08/10/2018]

(iii) retain that entry in an easily accessible form for a period of not less than 5 years after the date on which such entry was first made; and

(iv) ensure that a copy of the register is kept in Singapore.

(2) Where there is a change in any interest in listed specified products of a relevant person, he shall —

(a) enter in the register, within 7 days after the date of the change, particulars of the change including the date of the change and the circumstances by reason of which the change has occurred; and

(b) retain that entry in an easily accessible form for a period of not less than 5 years after the date on which such entry was first made.

[S 659/2018 wef 08/10/2018]

(3) A relevant person shall, upon the Authority's request —

(a) produce for the Authority's inspection the register of his interests in listed specified products; and

[S 659/2018 wef 08/10/2018]

(b) allow the Authority to make a copy of, or take extracts from, the register.

(4) The Authority may provide a copy of an extract from a register obtained under paragraph (3) to any person who, in the opinion of the Authority, should in the public interest be informed of the dealing in listed specified products disclosed in the register.

[S 659/2018 wef 08/10/2018]

(5) In this regulation and regulation 20B, "listed specified products" means specified products which are listed for quotation, or quoted, on an organised market that is operated by an approved exchange or a recognised market operator.

[S 659/2018 wef 08/10/2018]

(6) Any relevant person who contravenes paragraph (1), (2) or (3) shall be guilty of an offence.

[S 716/2010 wef 26/11/2010]

[S 659/2018 wef 08/10/2018]

Place at which register is kept

20B.—(1) A relevant person shall keep the register of his interest in listed specified products referred to in regulation 20A —

(a) in the case of an individual, at his principal place of business; or

(b) in the case of a corporation, at any of its places of business.

[S 659/2018 wef 08/10/2018]

(2) The register of interests in listed specified products may be kept in electronic form if the relevant person ensures that full access to such register may be gained by the Authority at the place referred to in paragraph (1)(a) or (b), as the case may be.

[S 659/2018 wef 08/10/2018]

(3) *[Deleted by S 659/2018 wef 08/10/2018]*

(4) *[Deleted by S 659/2018 wef 08/10/2018]*

(5) *[Deleted by S 659/2018 wef 08/10/2018]*

(6) A relevant person who is a licensed financial adviser shall maintain records of the places at which its representatives keep their registers of their interests in listed specified products and the places at which copies of those registers are kept in Singapore under regulation 20A(1)(iv).

[S 659/2018 wef 08/10/2018]

(7) A relevant person who is a licensed financial adviser shall, upon the Authority's request —

(a) produce for the Authority's inspection the records referred to in paragraph (6); and

(b) allow the Authority to make a copy of, or take extracts from, such records.

(8) Any person who contravenes paragraph (1), (2), (6) or (7) shall be guilty of an offence.

[S 659/2018 wef 08/10/2018]

(9) *[Deleted by S 659/2018 wef 08/10/2018]*

Particulars of financial journalists

20C.—(1) The Authority may, by notice in writing, require the proprietor or publisher of a newspaper to supply the Authority with the name and address of any financial journalist who has contributed any advice, analysis or report concerning specified products that has been published in the newspaper, within such period as may be specified in the notice.

[S 659/2018 wef 08/10/2018]

(2) Any proprietor or publisher of a newspaper who, without reasonable excuse, contravenes a notice under paragraph (1) shall be guilty of an offence.

[S 716/2010 wef 26/11/2010]

Use of term “independent”

21.—(1) No licensed financial adviser or exempt financial adviser shall use the word “independent” or any of its derivatives in any language, or any other word or expression in any language that is of like import to “independent” —

- (a) in the name, description or title under which it carries on business in Singapore;
- (b) to promote or advertise its services; or
- (c) in respect of its provision of any financial advisory service,

unless —

- (i) the financial adviser does not receive any commission or other benefit from a product provider which may create product bias and does not pay any commission to or confer other benefit upon its representatives which may create product bias;

- (ii) the financial adviser operates free from any direct or indirect restriction relating to any investment product which is recommended; and
- (iii) the financial adviser operates without any conflict of interest created by any connection to or association with any product provider.

(2) Where a licensed financial adviser or an exempt financial adviser —

- (a) is prohibited from using the word “independent” under paragraph (1); or
- (b) is not prohibited from using the word “independent” under paragraph (1) but decides not to do so,

it shall ensure that its representatives do not use the word “independent” or any of its derivatives in any language, or any other word or expression in any language that is of like import to “independent” in the manner specified in paragraph (1)(a), (b) or (c).

(3) No representative of a licensed financial adviser or an exempt financial adviser shall use the word “independent” or any of its derivatives in any language, or any other word or expression in any language that is of like import to “independent”, in acting as a representative of the financial adviser if the financial adviser has informed him that it may not do so.

(4) Any financial adviser which contravenes paragraph (1) shall be guilty of an offence.

(4A) Any financial adviser which, without reasonable excuse, contravenes paragraph (2) shall be guilty of an offence.

(5) Any representative who contravenes paragraph (3) shall be guilty of an offence.

Product advertisements

22.—(1) A specified person must not, whether through or in collaboration with another person —

- (a) disseminate or publish any product advertisement on or after 10 December 2018; or

- (b) cause to be disseminated or published any product advertisement on or after 10 December 2018,

unless the product advertisement complies with the requirements mentioned in paragraph (2).

(2) For the purposes of paragraph (1), the requirements are —

- (a) the product advertisement is not false or misleading;
- (b) the product advertisement provides a fair and balanced view of the investment product to which it relates;
- (c) the product advertisement presents information in a clear manner, regardless of whether such information is in text or otherwise;
- (d) where the product advertisement appears in any medium of communication in visual form, the product advertisement is clearly legible;
- (e) where the product advertisement appears in any electronic mail or website —
 - (i) the product advertisement is in a font size of at least 10-point Times New Roman or any other standard font type that is visually equivalent to that font size; and
 - (ii) any footnote in the product advertisement is not smaller than —
 - (A) where the font size of the word or statement to which the footnote relates is or is smaller than 20-point Times New Roman or any other standard font type that is visually equivalent to that font size — 10-point Times New Roman or any other standard font type that is visually equivalent to that font size;
 - (B) where the font size of the word or statement to which the footnote relates is larger than 20-point Times New Roman or any other standard font type that is visually equivalent to that font size but smaller than 29-point

Times New Roman or any other standard font type that is visually equivalent to that font size — half the font size of that word or statement; or

(C) where the font size of the word or statement to which the footnote relates is or is larger than 29-point Times New Roman or any other standard font type that is visually equivalent to that font size — 14-point Times New Roman or any other standard font type that is visually equivalent to that font size;

(f) the product advertisement contains the following statement:

“This advertisement has not been reviewed by the Monetary Authority of Singapore.”; and

(g) the product advertisement has been approved by a person specified in regulation 22A in the manner set out in that regulation prior to its dissemination or publication.

(3) Without limiting paragraph (2)(a), examples of a product advertisement that is false or misleading are set out in paragraph 1 of the Sixth Schedule.

(4) Without limiting paragraph (2)(b), examples of a product advertisement that does not provide a fair and balanced view of the investment product to which it relates are set out in paragraph 2 of the Sixth Schedule.

(5) Without limiting paragraph (2)(c), examples of a product advertisement that does not present information in a clear manner are set out in paragraph 3 of the Sixth Schedule.

(6) Without limiting paragraph (2)(d), examples of a product advertisement that is not clearly legible are set out in paragraph 4 of the Sixth Schedule.

(7) Paragraph (1) does not apply to —

- (a) a specified person who, under regulation 27(1), is exempt under section 23(1)(f) of the Act from holding a financial adviser's licence;
- (b) any dissemination or publication of information that is pursuant to any requirement —
 - (i) imposed under any written law or rule of law of Singapore, or by any court in Singapore;
 - (ii) imposed under the law of any foreign jurisdiction, or by any court in any foreign jurisdiction; or
 - (iii) under any listing rule or other requirement of an approved exchange or overseas exchange; and

[S 659/2018 wef 08/10/2018]

- (c) any dissemination or publication of information by a specified person in the course of carrying out an activity in respect of which the specified person is —
 - (i) exempt under regulation 27A(1) from complying with section 23(4) of the Act and regulation 37;
 - (ii) exempt under regulation 27A(2) from complying with section 23B(1) of the Act;
 - (iii) under regulation 28(1), exempt under section 23(1)(f) of the Act from holding a financial adviser's licence;
 - (iv) exempt under regulation 28(2), (3) or (4) from complying with sections 26 to 29 and 36 of the Act;
 - (v) under regulation 32A, exempt under section 23(1)(f) of the Act from holding a financial adviser's licence;
 - (vi) exempt under regulation 32B(1) from complying with sections 25 to 29, 32, 34 and 36 of the Act and regulation 37;
 - (vii) exempt under regulation 32B(2) or (4) from complying with sections 25, 26 and 36 of the Act;

- (viii) exempt under regulation 32B(3) from complying with sections 25, 26, 27, 29, 34 and 36 of the Act;
- (ix) under regulation 32C(1), exempt under section 23(1)(f) of the Act from holding a financial adviser's licence;
- (x) exempt under regulation 32D(1) from complying with sections 25 to 29, 32, 33, 34 and 36 of the Act, as applied by section 23(4) of the Act;
- (xi) exempt under regulation 32D(2) from complying with section 23B(1) of the Act;
- (xii) exempt under regulation 32D(3) from complying with section 23B(3) of the Act;
- (xiii) exempt under regulation 36(1) from complying with sections 25 to 29, 32, 34 and 36 of the Act;
- (xiv) exempt under regulation 36(2) from complying with sections 25, 26, 27, 29, 34 and 36 of the Act;
- (xv) exempt under regulation 3(1) of the Financial Advisers (Exemption from sections 25 to 29 and 36) Regulations (Rg 6) from complying with sections 25 to 29 and 36 of the Act;
- (xvi) under regulation 3 of the Financial Advisers (Exemption from Requirement to Hold Financial Adviser's Licence) Regulations 2014 (G.N. No. S 800/2014), exempt under section 23(1)(f) of the Act from holding a financial adviser's licence;
- (xvii) exempt under regulation 4 of the Financial Advisers (Structured Deposits — Prescribed Investment Product and Exemption) Regulations (Rg 7) from complying with section 25 of the Act; or
- (xviii) exempt under regulation 4 of the Financial Advisers (Structured Deposits — Prescribed Investment Product and Exemption) Regulations from complying with sections 26 to 29 and 36 of the Act.

(8) A specified person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000.

(9) In this regulation, “overseas futures exchange” and “overseas securities exchange” have the same meanings as in section 2(1) of the Securities and Futures Act (Cap. 289).

[S 385/2018 wef 09/07/2018]

Approval of product advertisement

22A.—(1) For the purposes of regulation 22(2)(g), a product advertisement must be approved by —

- (a) the senior management of the specified financial adviser —
 - (i) which disseminates or publishes, or causes the dissemination or publication, of the product advertisement; or
 - (ii) which appointed representative or provisional representative disseminates or publishes, or causes the dissemination or publication, of the product advertisement;
- (b) an agent of the specified financial adviser mentioned in sub-paragraph (a); or
- (c) a committee of the specified financial adviser mentioned in sub-paragraph (a).

(2) For the purposes of paragraph (1)(a), a product advertisement is approved by the senior management of the specified financial adviser only if every member of the senior management —

- (a) is satisfied that the product advertisement complies with the requirements mentioned in regulation 22(2)(a) to (f);
- (b) records the member’s reason for being so satisfied in writing; and
- (c) gives written approval to the specified financial adviser for the dissemination or publication of the product

advertisement, together with that member's reasons mentioned in sub-paragraph (b).

(3) For the purposes of paragraph (1)(b), a product advertisement is approved by an agent of the specified financial adviser only if the agent —

- (a) is satisfied that the product advertisement complies with the requirements mentioned in regulation 22(2)(a) to (f);
- (b) records the agent's reason for being so satisfied in writing; and
- (c) gives written approval to the specified financial adviser for the dissemination or publication of the product advertisement, together with the agent's reasons mentioned in sub-paragraph (b).

(4) For the purposes of paragraph (1)(c), a product advertisement is approved by a committee of the specified financial adviser only if every member of the committee —

- (a) is satisfied that the product advertisement complies with the requirements mentioned in regulation 22(2)(a) to (f);
- (b) records the member's reason for being so satisfied in writing; and
- (c) gives written approval to the specified financial adviser for the dissemination or publication of the product advertisement, together with that member's reasons mentioned in sub-paragraph (b).

(5) For the purposes of section 57(2) of the Act, the Authority must, when determining whether a chief executive officer or an executive director of a licensed financial adviser has failed to discharge the duties of his office, have regard to whether the chief executive officer or executive director (as the case may be) has caused the licensed financial adviser to disseminate or publish any product advertisement that has not been approved by the licensed financial adviser in accordance with regulation 22(2)(g).

(6) In this regulation —

“agent”, in relation to a specified financial adviser, means a person who —

- (a) may or may not be a member of the senior management of the specified financial adviser; and
- (b) is unanimously appointed by all the members of the senior management of the specified financial adviser to —
 - (i) determine whether a product advertisement complies with the requirements mentioned in regulation 22(2)(a) to (f); and
 - (ii) approve the dissemination or publication of the product advertisement by the specified financial adviser, or an appointed representative or a provisional representative of the specified financial adviser, as the case may be;

“committee”, in relation to a specified financial adviser, means a group of persons that —

- (a) comprises at least 2 persons, each of whom may or may not be a member of the senior management of the specified financial adviser; and
- (b) is unanimously appointed by all members of the senior management of the specified financial adviser to —
 - (i) determine whether a product advertisement complies with the requirements mentioned in regulation 22(2)(a) to (f); and
 - (ii) approve the dissemination or publication of the product advertisement by the specified financial adviser, or an appointed representative or a provisional representative of the specified financial adviser, as the case may be;

“member of the senior management”, in relation to a specified financial adviser which is an entity, means a person for the time being holding the office of —

- (a) chief executive officer or an equivalent person of the entity; or
- (b) executive director or an equivalent person of the entity,

and includes a person carrying out the duties of any such office if the office is vacant.

[S 385/2018 wef 09/07/2018]

Exemption from regulation 22(1)

22B.—(1) A specified person need not comply with regulation 22(1) if —

- (a) the product advertisement is prepared by another person (called in this regulation the preparer) for the specified person; and
- (b) prior to the specified person disseminating or publishing, or causing the dissemination or publication of, the product advertisement —
 - (i) the condition in paragraph (2) is satisfied; and
 - (ii) the preparer notifies the specified person in writing that the condition in paragraph (2) is satisfied.

(2) For the purpose of paragraph (1)(b), the condition is —

- (a) where the preparer is a specified person, the preparer has complied with regulation 22(1) as if the preparer were the specified person who will disseminate or publish, or cause the dissemination or publication of, the product advertisement;
- (b) where the preparer is a holder of a capital markets services licence, the preparer has complied with regulation 46(1) of the Securities and Futures (Licensing and Conduct of Business) Regulations (Cap. 289, Rg 10) as if the preparer were the holder who will disseminate or publish, or cause

the dissemination or publication of, the product advertisement; or

- (c) where the preparer is a person other than a specified person or a holder of a capital markets services licence —
- (i) if the product advertisement is an advertisement or a publication mentioned in section 251(8), 273(8A) or 277(7) of the Securities and Futures Act (Cap. 289), the product advertisement complies with the requirements mentioned in regulation 16(1) of the Securities and Futures (Offers of Investments) (Shares and Debentures) Regulations 2005 (G.N. No. S 611/2005);
 - (ii) if the product advertisement is an advertisement or a publication mentioned in section 282L(8), 282X(8A) or 282ZB(8) of the Securities and Futures Act, the product advertisement complies with the requirements mentioned in regulation 14(1) of the Securities and Futures (Offers of Investments) (Business Trusts) (No. 2) Regulations 2005 (G.N. No. S 612/2005); or
 - (iii) if the product advertisement is an advertisement or a publication mentioned in section 300(3C), 303(3) or 305B(8) of the Securities and Futures Act, the product advertisement complies with the requirements in regulation 21(1) of the Securities and Futures (Offers of Investments) (Collective Investment Schemes) Regulations 2005 (G.N. No. S 602/2005).

[S 385/2018 wef 09/07/2018]

Maintaining records of approval

22C.—(1) A specified financial adviser whose product advertisement is approved for the purposes of regulation 22(2)(g) must keep the following records for the following periods:

- (a) where the product advertisement is approved by the senior management of the specified financial adviser under

regulation 22A(1)(a), the written reasons and written approvals of all the members of the senior management mentioned in regulation 22A(2)(b) and (c), respectively, for a period of at least 5 years after the date on which the last member of the senior management gave his written reasons and written approval;

(b) where the product advertisement is approved by an agent of the specified financial adviser under regulation 22A(1)(b) —

(i) the written consent of all the members of the senior management of the specified financial adviser to the appointment of the agent;

(ii) the written reasons of the agent mentioned in regulation 22A(3)(b); and

(iii) the written approval of the agent mentioned in regulation 22A(3)(c),

for a period of at least 5 years after the date on which the agent gave his written reasons and written approval to the specified financial adviser under regulation 22A(3)(c);

(c) where the product advertisement is approved by a committee of the specified financial adviser under regulation 22A(1)(c) —

(i) the written consent of all the members of the senior management of the specified financial adviser to the appointment of the committee;

(ii) the written reasons of all the members of the committee mentioned in regulation 22A(4)(b); and

(iii) the written approval of all the members of the committee mentioned in regulation 22A(4)(c),

for a period of at least 5 years after the date on which the last member of the committee gave his written reasons and written approval to the specified financial adviser under regulation 22A(4)(c).

(2) Where a specified financial adviser is exempt from regulation 22(1) under regulation 22B(1) (read with regulation 22B(2)(a)), paragraph (1) (read with regulation 22A) applies to the preparer mentioned in regulation 22B(2)(a) except that any reference to the specified financial adviser is read as a reference to the preparer.

(3) A specified financial adviser who contravenes paragraph (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000.

[S 385/2018 wef 09/07/2018]

Advertisement other than product advertisement

22D.—(1) A specified person must not, whether through or in collaboration with another person —

- (a) disseminate or publish any non-product advertisement on or after 10 December 2018; or
- (b) cause to be disseminated or published any non-product advertisement on or after 10 December 2018,

unless the non-product advertisement complies with the requirements mentioned in paragraph (2).

(2) For the purposes of paragraph (1), the requirements are —

- (a) the non-product advertisement is not false or misleading;
- (b) the non-product advertisement does not contain any statement to the effect that any report, analysis or other service will be furnished free or without charge, unless such report, analysis or service is in fact or will in fact be furnished in its entirety without any condition or obligation; and
- (c) the non-product advertisement does not contain any exaggerated statement which exploits an individual's lack of experience and knowledge.

(3) A specified person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000.

(4) In this regulation, “non-product advertisement” means an advertisement, other than a product advertisement, that is in respect of the provision of any product or service that is regulated by the Act.

[S 385/2018 wef 09/07/2018]

PART V

ACCOUNTS AND AUDIT

Preparation and lodgment of accounts

23. For the purposes of sections 45(1) and 48(1) of the Act, a licensed financial adviser shall prepare and lodge with the Authority —

- (a) statements in Forms 14, 15 and 16, where applicable; and
- (b) by personal delivery or by pre-paid post, true and fair financial statements made up to the last day of its financial year in accordance with the provisions of the Companies Act (Cap. 50), where applicable, together with —
 - (i) the auditor’s report in Form 17, which shall contain the documents necessary for the due completion of the Form; and
 - (ii) copies of the statements referred to in paragraph (a).

[S 362/2005 wef 01/07/2005]

[S 394/2015 wef 01/07/2015]

24. [Deleted by S 362/2005 wef 01/07/2005]

Books to be kept by licensed financial adviser

25. For the purposes of section 45(2) of the Act, a licensed financial adviser shall keep books in the English language which contain the following, where applicable:

- (a) the particulars of every client of the financial adviser, including the name and address of the client;
- (b) the particulars of every transaction carried out by the financial adviser on behalf of its clients;

- (c) a copy of the confirmation of every transaction referred to in paragraph (b), every purchase and sale contract note and every statement of account received from a product provider in respect of such transaction;
- (d) every written agreement, or a copy thereof, entered into by the financial adviser with any of its clients;
- (e) every written agreement, or a copy thereof, entered into by the financial adviser with any product provider;
- (f) every report, letter, circular, memorandum, publication, writing, advertisement or other literature or advice, or a copy thereof, distributed or caused to be distributed by the financial adviser to any of its existing or prospective clients, indicating the date of first distribution of such document if not otherwise shown on the document;
- (g) all income and expenses of the financial adviser; and
- (h) all assets and liabilities (including contingent liabilities) of the financial adviser and, in the case of assets —
 - (i) indicating by whom these assets or the documents of title to these assets are held; and
 - (ii) where the assets are held by some other person, whether or not they are held as security against any loan or advance.

Retention period of books

26.—(1) For the purposes of section 45(3) of the Act, the statements of accounts of a licensed financial adviser, and the books and records referred to in regulation 25 (other than financial transaction documents), shall be retained for a period of not less than 5 years.

[S 58/2007 wef 01/03/2007]

(2) The financial transaction documents of a licensed financial adviser shall be retained for the minimum retention period as defined in section 36(1) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A).

(3) In this regulation, “financial transaction documents” has the same meaning as in section 36(1) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act.

PART VI

EXEMPTIONS

Division 1 — General exemptions

Exemption from requirement to hold financial adviser’s licence for certain persons in respect of certain activities

27.—(1) Subject to this regulation, the following persons are exempt from holding a financial adviser’s licence under section 23(1)(f) of the Act:

- (a) an approved headquarters company or approved Finance and Treasury Centre which carries on business involving the provision of all or any type of financial advisory service, but only to the extent that such provision of financial advisory service has been approved as a qualifying service in relation to that headquarters company or Finance and Treasury Centre under section 43E(2)(a) or 43G(2)(a) of the Income Tax Act (Cap. 134), as the case may be;
- (b) a corporation which provides all or any type of financial advisory service to any of its related corporations;
- (c) a person who provides all or any type of financial advisory service to any of its connected persons;
- (d) a person resident in Singapore who acts, whether directly or indirectly, as a financial adviser in giving advice in Singapore, either directly or through publications or writings or by issuing or promulgating research analyses or research reports, concerning any investment product

(other than life policies), to not more than 30 accredited investors on any occasion;

[S 362/2005 wef 01/07/2005]

[S 274/2008 wef 28/05/2008]

[S 383/2012 wef 07/08/2012]

[S 659/2018 wef 08/10/2018]

(e) a person who provides all or any type of financial advisory service to an institutional investor;

[S 362/2005 wef 01/07/2005]

[S 274/2008 wef 28/05/2008]

[S 383/2012 wef 07/08/2012]

[S 659/2018 wef 08/10/2018]

(f) a person who acts, whether directly or indirectly, as a financial adviser in —

(i) giving advice in Singapore, either directly or through publications or writings, and whether in electronic, print or other form; or

(ii) issuing or promulgating research analyses or research reports, whether in electronic, print or other form,

in respect of the person's business of fund management that is carried out in accordance with paragraph 5(1)(j) or (k) of the Second Schedule to the Securities and Futures (Licensing and Conduct of Business) Regulations;

[S 659/2018 wef 08/10/2018]

(g) a person who carries on business of advising accredited investors or expert investors, either directly or through publications or writings or by issuing or promulgating research analyses or research reports, concerning OTC derivatives contracts the value of which is determined by reference to —

(i) the value or amount of one or more commodities; or

- (ii) fluctuations in the values or amounts of one or more commodities;

[S 659/2018 wef 08/10/2018]

- (h) an approved global trading company which carries on business of advising others, either directly or through publications or writings or by issuing or promulgating research analyses or research reports, concerning OTC derivatives contracts the value of which is determined by reference to —

- (i) the value or amount of one or more commodities; or
- (ii) fluctuations in the values or amounts of one or more commodities.

[S 659/2018 wef 08/10/2018]

(1A) For the purposes of paragraph (1)(d), where a person acts as a financial adviser in giving advice in Singapore in the manner specified in that paragraph in the period from 8 October 2018 to 7 April 2019 (both dates inclusive) to an ex-accredited investor who is the person's existing customer, that ex-accredited investor is treated as an accredited investor.

[S 294/2019 wef 08/10/2018]

(1B) For the purposes of paragraph (1)(g), where a person carries on business of advising any ex-accredited investor who is an existing customer of the person in the manner mentioned in that paragraph and in the period from 8 October 2018 to 7 April 2019 (both dates inclusive), the person is treated as carrying on the business of advising accredited investors in that manner.

[S 294/2019 wef 08/10/2018]

(2) A person who is exempt under paragraph (1)(a), (b) or (c) may, in ascertaining the number of accredited investors for the purpose of exemption under paragraph (1)(d), exclude those persons on behalf of whom he provides all or any type of financial advisory service under paragraph (1)(a), (b) or (c).

(3) A person referred to in paragraph (1)(d) which is exempt from the requirement to hold a capital markets services licence to carry on business in fund management under paragraph 5(1)(i) of the Second

Schedule to the Securities and Futures (Licensing and Conduct of Business) Regulations shall not be, or shall cease to be, exempt from holding a financial adviser's licence under section 23(1)(f) of the Act if —

- (a) the aggregate of the number of qualified investors on behalf of which it carries on business in fund management and the number of accredited investors to which it provides financial advisory services exceeds 30 in total;
- (b) more than 15 of the qualified investors on behalf of which it carries on business in fund management are collective investment schemes, closed-end funds, or limited partnerships referred to in paragraph 5(3)(e) of the Second Schedule to the Securities and Futures (Licensing and Conduct of Business) Regulations; or
- (c) the total value of its managed assets (as defined in paragraph 5(7K) of the Second Schedule to the Securities and Futures (Licensing and Conduct of Business) Regulations) exceeds \$250 million.

[S 383/2012 wef 07/08/2012]

(3A) A person otherwise exempted under paragraph (1)(d) shall not be, or shall cease to be, so exempt if —

- (a) the person has not commenced business in accordance with paragraph (1)(d) within 6 months from the date of commencement of business as specified in the notice that the person has lodged with the Authority in accordance with regulation 37(2); or
- (b) the person has ceased to carry on business in accordance with paragraph (1)(d), and has not resumed business in the same regulated activity in accordance with that paragraph within a continuous period of 6 months from the date of cessation.

[S 362/2005 wef 01/07/2005]

(4) Section 33 of the Act shall, with the necessary modifications, apply to the persons referred to in paragraph (1).

(5) A person otherwise exempt under paragraph (1) shall not be, or shall cease to be, so exempt if he also carries on a business of providing any financial advisory service other than in accordance with paragraph (1)(a), (b), (c), (d), (e), (f), (g) or (h).

[S 274/2008 wef 28/05/2008]

[S 383/2012 wef 07/08/2012]

[S 659/2018 wef 08/10/2018]

(6) A person referred to in paragraph (1)(c), (d), (e), (f) or (g) who is an individual shall not be, or shall cease to be, exempt from holding a financial adviser's licence under section 23(1)(f) of the Act if —

- (a) he is or becomes an employee or representative of a licensed financial adviser or an exempt financial adviser;
- (b) he has been adjudged a bankrupt, whether in Singapore or elsewhere; or
- (c) he has been convicted —
 - (i) whether in Singapore or elsewhere, of any offence in connection with the promotion, formation or management of a corporation or involving fraud or dishonesty, or the conviction for which involved a finding that he had acted fraudulently or dishonestly;
 - (ii) of any offence under the Companies Act (Cap. 50) involving lack of diligence, or the conviction for which involved a finding that he had acted with a lack of diligence, in the discharge of his duties as a director of a corporation;
 - (iii) of any offence under the Act; or
 - (iv) of any offence under the Banking Act (Cap. 19), the Finance Companies Act (Cap. 108), the Insurance Act (Cap. 142), the Monetary Authority of Singapore Act (Cap. 186), the Money-changing and Remittance Businesses Act (Cap. 187), the Penal Code

(Cap. 224) or the Securities and Futures Act (Cap. 289).

[S 274/2008 wef 28/05/2008]

[S 383/2012 wef 07/08/2012]

[S 659/2018 wef 08/10/2018]

(7) A person referred to in paragraph (1)(a), (b), (c), (d), (e), (f), (g) or (h) which is a corporation shall not be, or shall cease to be, exempt from holding a financial adviser's licence under section 23(1)(f) of the Act if —

- (a) the corporation or any of its substantial shareholders is in the course of being wound up or otherwise dissolved, whether in Singapore or elsewhere;
- (b) a receiver, receiver and manager, judicial manager, or such other person having the powers and duties of a receiver, receiver and manager or judicial manager, has been appointed, whether in Singapore or elsewhere, in relation to, or in respect of any property of, the corporation or any of its substantial shareholders;
- (c) the corporation or any of its substantial shareholders has, whether in Singapore or elsewhere, entered into a compromise or scheme of arrangement with his or its creditors, being a compromise or scheme of arrangement that is still in operation;
- (d) execution against the corporation or any of its substantial shareholders in respect of a judgment debt has been returned unsatisfied in whole or in part; or
- (e) the corporation or any of its substantial shareholders has been convicted —
 - (i) whether in Singapore or elsewhere, of any offence in connection with the promotion, formation or management of a corporation or involving fraud or dishonesty, or the conviction for which involved a finding that he or it had acted fraudulently or dishonestly;

- (ii) of any offence under the Companies Act (Cap. 50) involving lack of diligence, or the conviction for which involved a finding that he had acted with a lack of diligence, in the discharge of his duties as a director of a corporation;
- (iii) of any offence under the Act; or
- (iv) of any offence under the Banking Act (Cap. 19), the Finance Companies Act (Cap. 108), the Insurance Act (Cap. 142), the Monetary Authority of Singapore Act (Cap. 186), the Money-changing and Remittance Businesses Act (Cap. 187), the Penal Code (Cap. 224) or the Securities and Futures Act (Cap. 289).

[S 362/2005 wef 01/07/2005]

[S 274/2008 wef 28/05/2008]

[S 383/2012 wef 07/08/2012]

[S 659/2018 wef 08/10/2018]

(8) In this regulation —

“approved Finance and Treasury Centre” means an approved Finance and Treasury Centre under section 43G of the Income Tax Act (Cap. 134);

“approved global trading company” means an approved global trading company under section 43P of the Income Tax Act;

[S 659/2018 wef 08/10/2018]

“approved headquarters company” means an approved headquarters company under section 43E of the Income Tax Act;

“fund management” has the same meaning as in section 2(1) of the Securities and Futures Act;

“qualified investor” has the same meaning as in paragraph 1 of the Second Schedule to the Securities and Futures (Licensing and Conduct of Business) Regulations (Cap. 289, Rg 10) except that any reference in that paragraph to “accredited investor”, in relation to any transaction, is read to include a

person who is treated as an “accredited investor” under paragraph (a), (b), (c), (d) or (e) of regulation 4(1) or (2) of the Securities and Futures (Amendment) Act 2017 (Saving and Transitional Provisions for Classes of Investors) Regulations 2018 (G.N. No. S 662/2018), in respect of a transaction mentioned in that paragraph;

[S 294/2019 wef 08/10/2018]

“resident in Singapore” has the same meaning as in section 2(1) of the Income Tax Act.

[S 659/2018 wef 08/10/2018]

Exemption of banks and merchant banks

27A.—(1) A bank or merchant bank which is exempt from holding a financial adviser’s licence under section 23(1)(a) or (b), respectively, of the Act shall be exempt from section 23(4) of the Act and regulation 37 in respect of its carrying on of the business of advising others, either directly or through publications or writings or by issuing or promulgating research analyses or research reports, on spot foreign exchange contracts other than for the purposes of leveraged foreign exchange trading arranged by it or by —

- (a) any bank that is licensed under the Banking Act (Cap. 19);
or
- (b) any merchant bank that is approved as a financial institution under the Monetary Authority of Singapore Act (Cap. 186).

[S 362/2005 wef 01/07/2005]

[S 716/2010 wef 26/11/2010]

[S 659/2018 wef 08/10/2018]

(2) A representative of a bank or merchant bank exempt from section 23(4) of the Act and regulation 37 under paragraph (1) shall be exempt from section 23B(1) of the Act in respect of his carrying out of the activity referred to in paragraph (1) for the bank or merchant bank.

[S 716/2010 wef 26/11/2010]

Exemption for giving advice or analysis on bonds

28.—(1) A corporation (not being a licensed financial adviser or a person exempt from holding a financial adviser’s licence under section 23(1)(a), (b), (c), (d) or (e) of the Act) which carries on a business of providing advice concerning bonds to any of the following, either directly or through publications or writings or by issuing or promulgating research analyses or research reports, is exempt under section 23(1)(f) of the Act from holding a financial adviser’s licence in respect of that activity:

- (a) an expert investor;
- (b) an accredited investor;
- (c) an ex-accredited investor who is an existing customer of the corporation, but only in respect of the corporation’s business of providing advice concerning bonds that is carried on in the period from 8 October 2018 to 7 April 2019 (both dates inclusive).

[S 294/2019 wef 08/10/2018]

(2) A licensed financial adviser which carries out the activity referred to in paragraph (1) shall be exempt from complying with sections 26 to 29 and 36 of the Act in respect of such activity.

[S 274/2008 wef 28/05/2008]

(3) A person exempt from holding a financial adviser’s licence under section 23(1)(a), (b), (c), (d) or (e) of the Act which carries out the activity referred to in paragraph (1) shall, notwithstanding section 23(4) of the Act, be exempt from complying with sections 26 to 29 and 36 of the Act in respect of such activity.

[S 274/2008 wef 28/05/2008]

(4) An appointed or a provisional representative of a financial adviser referred to in paragraphs (2) and (3) who carries out the activity referred to in paragraph (1) for the financial adviser shall be exempt from complying with sections 26 to 29 and 36 of the Act in respect of such activity.

[S 274/2008 wef 28/05/2008]

[S 716/2010 wef 26/11/2010]

Exemption for Service Companies

29.—(1) A Service Company which carries on the business of advising others, either directly or through publications or writings or by issuing or promulgating research analyses or research reports, concerning any investment product shall, if such business is solely incidental to its business as an agent of a member of Lloyd’s, be exempt from holding a financial adviser’s licence under section 23(1)(f) of the Act.

[S 362/2005 wef 01/07/2005]

(2) Sections 25 to 29, 34, 36 and 70 of the Act shall, with the necessary modifications, apply to a Service Company referred to in paragraph (1).

(3) Sections 23G, 25 to 29, 34, 36 and 70 of the Act shall, with the necessary modifications, apply to a representative of a Service Company referred to in paragraph (1).

[S 716/2010 wef 26/11/2010]

(4) In this regulation, “agent”, in relation to a member of Lloyd’s, “Lloyd’s”, “member of Lloyd’s” and “Service Company” have the same meanings as in regulation 2 of the Insurance (Lloyd’s Asia Scheme) Regulations (Rg 9).

30. *[Deleted by S 362/2005 wef 01/07/2005]*

Exemption for introducing activities

31.—(1) A person (not being an individual, a licensed financial adviser or a person exempt under section 23(1)(a), (b), (c), (d) or (e) of the Act) shall be exempt under section 23(1)(f) of the Act from holding a financial adviser’s licence (referred to in this regulation as an introducer) in respect of all introducing activities it carries out for one or more licensed financial advisers or persons exempt under section 23(1)(a), (b), (c), (d) or (e) of the Act (referred to in this regulation as an introducee), subject to the following conditions:

- (a) the introducer shall, when carrying out introducing activities (whether through any of its representatives or otherwise), disclose to every client —

- (i) that the introducer is carrying out introducing activities for one or more introducees;
 - (ii) that, when carrying out introducing activities, the introducer and its representatives shall not —
 - (A) give advice or provide recommendations on any investment product to the client; or
[S 659/2018 wef 08/10/2018]
 - (B) *[Deleted by S 659/2018 wef 08/10/2018]*
 - (C) arrange any contract of insurance in respect of life policies,
other than to the extent of carrying out introducing activities;
 - (iii) whether or not the introducer or any of its representatives is or will be remunerated by one or more introducees for carrying out introducing activities; and
 - (iv) where the introducer or any of its representatives is or will be remunerated by one or more introducees, the amount of remuneration if so requested by the client;
- (b) where the introducer carries out introducing activities for more than one introducee, the introducer (whether through any of its representatives or otherwise) shall, with the consent of the client, introduce that client to every introducee that provides the type or types of financial advisory service required by that client;
 - (c) the introducer shall not receive or deal with client's money or property in relation to introducing activities; and
 - (d) the introducer shall establish and maintain a register of its representatives referred to in paragraph (2).
- (2) A representative of an introducer —
- (a) shall, when carrying out introducing activities, disclose to every client —

- (i) that he is carrying out introducing activities on behalf of the introducer;
- (ii) that the introducer acts for one or more introducees;
- (iii) that, when carrying out introducing activities, he shall not —
 - (A) give advice or provide recommendations on any investment product to the client; or
[S 659/2018 wef 08/10/2018]
 - (B) *[Deleted by S 659/2018 wef 08/10/2018]*
 - (C) arrange any contract of insurance in respect of life policies,
other than to the extent of carrying out introducing activities;
- (iv) whether or not he or the introducer is or will be remunerated by one or more introducees for carrying out introducing activities; and
- (v) where he or the introducer is or will be remunerated by one or more introducees, the amount of remuneration if so requested by the client;

(b) shall, where he carries out introducing activities on behalf of the introducer for more than one introducee, with the consent of the client, introduce that client to every introducee that provides the type or types of financial advisory service required by that client; and

(c) shall not receive or deal with client's money or property in relation to introducing activities.

(3) An individual (other than a representative or an employee referred to in paragraph (2), (5), (6) or (8)) shall be exempt from —

(a) section 23B(1) in respect of all introducing activities he carries out on behalf of one or more introducees;

[S 716/2010 wef 26/11/2010]

(b) complying with sections 25, 27 and 36 of the Act in respect of all introducing activities he carries out on behalf of one

or more persons exempt from holding a financial adviser's licence under section 23(1)(a), (b), (c), (d) or (e) of the Act; and

- (c) section 23G of the Act in respect of all introducing activities he carries out on behalf of more than one introducee,

[S 716/2010 wef 26/11/2010]

subject to the following conditions:

- (i) the individual shall, when carrying out introducing activities, disclose to the client —

(A) that he is carrying out introducing activities for one or more introducees;

(B) that he shall not give advice or provide recommendations on any investment product to the client or arrange any contract of insurance in respect of life policies, other than to the extent of carrying out introducing activities;

[S 659/2018 wef 08/10/2018]

(C) whether or not he is or will be remunerated by one or more introducees for carrying out introducing activities; and

(D) where he is or will be remunerated by one or more introducees, the amount of remuneration if so requested by the client;

- (ii) where the individual carries out introducing activities for more than one introducee, he shall, with the consent of the client, introduce that client to every introducee that provides the type or types of financial advisory service required by that client; and

- (iii) the individual shall not receive or deal with client's money or property in relation to introducing activities.

(4) A licensed financial adviser shall be exempt from complying with sections 16, 25, 27 and 36 of the Act in respect of all introducing

activities it carries out on its own behalf or for one or more introducees, subject to —

- (a) the conditions specified in paragraph (1)(a), (b) and (c) which shall apply as if every reference in those conditions to introducer were a reference to the licensed financial adviser; and
- (b) the condition that it shall establish and maintain a register of the appointed or provisional representatives referred to in paragraph (5) and the employees referred to in paragraph (6).

[S 716/2010 wef 26/11/2010]

(5) An appointed or a provisional representative of a licensed financial adviser referred to in paragraph (4) shall be exempt from complying with sections 25, 27 and 36 of the Act in respect of all introducing activities he carries out on behalf of the financial adviser, subject to —

- (a) the conditions specified in paragraph (2)(a)(i), (iii), (iv) and (v) and (c) which, in a case where he acts for the financial adviser when the financial adviser is carrying out introducing activities on its own behalf, shall apply as if every reference in those conditions to introducer were a reference to the financial adviser and every reference to “by the introducee” were deleted; and
- (b) the conditions specified in paragraph (2)(a), (b) and (c) which, in a case where he acts for the financial adviser when the financial adviser is carrying out introducing activities for one or more introducees, shall apply as if every reference in those conditions to introducer were a reference to the financial adviser.

[S 716/2010 wef 26/11/2010]

(6) An employee of a licensed financial adviser referred to in paragraph (4) (not being an appointed or a provisional representative) shall be exempt from section 23B(1) in respect of all introducing activities he carries out on behalf of the financial adviser, subject to —

- (a) the conditions specified in paragraph (2)(a)(i), (iii), (iv) and (v) and (c) which, in a case where he acts for the financial adviser when the financial adviser is carrying out introducing activities on its own behalf, shall apply as if every reference in those conditions to introducer were a reference to the financial adviser and every reference to “by the introducee” were deleted; and
- (b) the conditions specified in paragraph (2)(a), (b) and (c) which, in a case where he acts for the financial adviser when the financial adviser is carrying out introducing activities for one or more introducees, shall apply as if every reference in those conditions to introducer were a reference to the financial adviser.

[S 716/2010 wef 26/11/2010]

(7) A person exempt from holding a financial adviser’s licence under section 23(1)(a), (b), (c), (d) or (e) of the Act shall be exempt from complying with sections 25, 27 and 36 of the Act and regulation 37 in respect of all introducing activities it carries out on its own behalf or for one or more introducees, subject to —

- (a) the conditions specified in paragraph (1)(a), (b) and (c) which shall apply as if every reference in those conditions to introducer were a reference to the person; and
- (b) the condition that it shall establish and maintain a register of the representatives referred to in paragraph (8).

(8) A representative (other than a teller referred to in paragraph (8A)) of a person referred to in paragraph (7) shall be exempt from complying with sections 25, 27 and 36 of the Act in respect of all introducing activities he carries out on behalf of the person, subject to —

- (a) the conditions specified in paragraph (2)(a)(i), (iii), (iv) and (v) and (c) which, in a case where he acts for the person when the person is carrying out introducing activities on its own behalf, shall apply as if every reference in those conditions to introducer were a reference to the person and every reference to “by the introducee” were deleted; and

- (b) the conditions specified in paragraph (2)(a), (b) and (c) which, in a case where he acts for the person when the person is carrying out introducing activities for one or more introducees, shall apply as if every reference in those conditions to introducer were a reference to the person.

[S 433/2011 wef 28/07/2011]

(8A) A teller shall be exempt from holding a representative's licence in respect of all introducing activities he carries out on behalf of a person exempt under section 23(1)(a), (b), (c), (d) or (e) of the Act (referred to in this paragraph as the person), subject to the following conditions:

- (a) the introduction is done pursuant to an express request by the relevant client for information on investment products;
- (b) the teller is not remunerated by the introducee or the person for carrying out introducing activities;
- (c) in a case where the teller acts for the person when the person is carrying out introducing activities on its own behalf, the conditions specified in paragraph (2)(a)(i) and (iii) and (c) shall apply as if every reference in those conditions to introducer were a reference to the person; and
- (d) in a case where the teller acts for the person when the person is carrying out introducing activities for one or more introducees, the conditions specified in paragraph (2)(a)(i), (ii) and (iii), (b) and (c) shall apply as if every reference in those conditions to introducer were a reference to the person.

[S 433/2011 wef 28/07/2011]

(9) Any person who contravenes any condition or restriction specified in paragraph (1), (2) or (3) applicable to him shall be guilty of an offence.

[S 362/2005 wef 01/07/2005]

(10) Sections 26, 29, 33, 34 and 70 of the Act shall, with the necessary modifications, apply to an introducer and an individual exempt under paragraph (3).

(11) Sections 23G, 26, 29, 33, 34 and 70 of the Act shall, with the necessary modifications, apply to a representative of an introducer and an employee exempt under paragraph (6).

[S 716/2010 wef 26/11/2010]

(11A) The registers referred to in paragraphs (1), (4) and (7) shall contain the following details or particulars in relation to each representative or employee, as the case may be:

- (a) his name;
- (b) his identity card number or passport number;
- (c) the date of his commencing introducing activities; and
- (d) the date of his ceasing introducing activities, where applicable.

(12) In this regulation —

“client” includes a prospective client;

“introducing activity” means —

- (a) introducing any client to an introducee in relation to the provision of any type or types of financial advisory service by the introducee; or
- (b) the activity referred to in sub-paragraph (a) and either or both of the following:
 - (i) recording the particulars of any client and forwarding such particulars to an introducee with the client’s consent;
 - (ii) providing factual information to any client on investment products, including (where applicable) information on —
 - (A) the name of the investment product;
 - (B) the product provider;
 - (C) the date on which the product is launched;
 - (D) the minimum subscription amount; and

(E) any fee or charge which may be imposed, and “introduce” shall be construed accordingly;

[S 433/2011 wef 28/07/2011]

“teller” means an individual counter staff of a person exempt under section 23(1)(a), (b), (c), (d) or (e) of the Act who deals with clients for non-investment transactions, including —

- (a) renewal of fixed deposits;
- (b) update of bank books or statements;
- (c) cash deposits; and
- (d) cash withdrawals.

[S 433/2011 wef 28/07/2011]

32. *[Deleted by S 362/2005 wef 01/07/2005]*

Exemption for persons exempt under Second Schedule to Securities and Futures (Licensing and Conduct of Business) Regulations

32A.—(1) A corporation which is exempt from holding a capital markets services licence under paragraph 3(1)(d) of the Second Schedule to the Securities and Futures (Licensing and Conduct of Business) Regulations is exempt under section 23(1)(f) of the Act from holding a financial adviser’s licence in respect of the following:

- (a) advising others, either directly or through publications or writings, and whether in electronic, print or other form, concerning futures contracts;
- (b) issuing or promulgating research analyses or research reports, whether in electronic, print or other form, concerning futures contracts.

(2) A corporation which is exempt from holding a capital markets services licence under paragraph 3A(1)(d) of the Second Schedule to the Securities and Futures (Licensing and Conduct of Business) Regulations is exempt under section 23(1)(f) of the Act from holding a financial adviser’s licence in respect of the following:

- (a) advising others, either directly or through publications or writings, and whether in electronic, print or other form, concerning OTC derivatives contracts;
- (b) issuing or promulgating research analyses or research reports, whether in electronic, print or other form, concerning OTC derivatives contracts.

[S 659/2018 wef 08/10/2018]

Exemption for advising institutional investor, related corporation, etc.

32B.—(1) A licensed financial adviser, or a financial adviser which is exempt from holding a financial adviser’s licence under section 23(1)(a), (b), (c), (d) or (e) of the Act (referred to in this regulation as exempt financial adviser), shall be exempt from sections 25 to 29, 32, 34 and 36 of the Act and regulation 37 when providing any financial advisory service in respect of any investment product to —

- (a) an institutional investor;
- (b) a related corporation of that licensed financial adviser or exempt financial adviser, as the case may be;
- (c) a person that is connected to that licensed financial adviser or exempt financial adviser, as the case may be; or
- (d) an approved headquarters company or approved Finance and Treasury Centre which carries on business involving the provision of all or any type of financial advisory service, where such business has been approved as a qualifying service in relation to that headquarters company or Finance and Treasury Centre under section 43E (2)(a) or 43G(2)(a) of the Income Tax Act (Cap. 134), as the case may be.

(2) A financial adviser which is exempt from holding a financial adviser’s licence under section 23(1)(ea) of the Act shall be exempt from sections 25, 26 and 36 of the Act when providing financial advisory service in respect of any investment product to —

- (a) an institutional investor;

- (b) a related corporation of that financial adviser;
- (c) a person that is connected to that financial adviser; or
- (d) an approved headquarters company or approved Finance and Treasury Centre which carries on business involving the provision of all or any type of financial advisory service, where such business has been approved as a qualifying service in relation to that headquarters company or Finance and Treasury Centre under section 43E(2)(a) or 43G(2)(a) of the Income Tax Act, as the case may be.

(3) An appointed or a provisional representative of a licensed financial adviser or an exempt financial adviser referred to in paragraph (1) shall be exempt from sections 25, 26, 27, 29, 34 and 36 of the Act in respect of his carrying out of the activity referred to in that paragraph for the licensed financial adviser or exempt financial adviser, as the case may be.

(4) An appointed or a provisional representative of a financial adviser referred to in paragraph (2) shall be exempt from sections 25, 26 and 36 of the Act in respect of his carrying out of the activity referred to in that paragraph for the financial adviser.

[S 362/2005 wef 01/07/2005]

[S 716/2010 wef 26/11/2010]

Exemption for foreign research houses

32C.—(1) A foreign research house shall be exempt under section 23(1)(f) of the Act from holding a financial adviser's licence in respect of advising others by issuing or promulgating any research analyses or research reports concerning any investment product, to any investor under an arrangement between the foreign research house and a financial adviser in Singapore, subject to the following conditions:

- (a) the financial adviser in Singapore is —
 - (i) licensed under the Act; or
 - (ii) exempt from holding a financial adviser's licence under section 23(1)(a), (b), (c), (d) or (e) of the Act,

to provide the financial advisory service of advising others by issuing or promulgating research analyses or research reports concerning any investment product;

- (b) the foreign research house is licensed, registered, approved, authorised or otherwise supervised by a regulatory authority in the foreign country in which it carries on business, in accordance with the laws of that foreign country;
- (c) the research analysis or research report shall contain a statement to the effect that recipients of the analysis or report are to contact the financial adviser in Singapore in respect of any matters arising from, or in connection with, the analysis or report; and
- (d) the analysis or report contains a statement to the effect that the financial adviser in Singapore accepts legal responsibility for the contents of the analysis or report without any disclaimer limiting or otherwise curtailing such legal responsibility unless the analysis or report is issued or promulgated to a person who is any of the following:
 - (i) an accredited investor;
 - (ii) an expert investor;
 - (iii) an institutional investor;
 - (iv) an ex-accredited investor who is an existing customer of the financial adviser in Singapore, but only in respect of any research analysis or research report issued or promulgated in the period from 8 October 2018 to 7 April 2019 (both dates inclusive).

[S 294/2019 wef 08/10/2018]

(2) In this regulation —

“foreign country” means a country or territory other than Singapore;

“foreign research house” means a foreign company which carries on a business of providing the financial advisory service of advising others by issuing or promulgating research analyses or research reports, whether in electronic, print or other form, concerning any investment product;

“regulatory authority”, in relation to a foreign country, means an authority of the foreign country exercising any function that corresponds to a regulatory function of the Authority under the Act.

[S 274/2008 wef 28/05/2008]

Exemption for foreign companies providing financial advisory service in respect of specified investment products

32CA.—(1) Subject to the conditions in paragraph (2), a foreign company is exempt under section 23(1)(f) of the Act from holding a financial adviser’s licence for providing a financial advisory service specified in paragraph 1 or 2 of the Second Schedule to the Act in respect of any specified investment product if the conditions in paragraph (2) are satisfied.

(2) The conditions mentioned in paragraph (1) are —

(a) *[Deleted by S 292/2019 wef 08/10/2018]*

(b) the financial advisory service is provided under an arrangement that is entered into before 8 October 2018 by the foreign company with a related corporation which is a licensed financial adviser or an exempt financial adviser under section 23(1)(a), (b), (c), (d) or (e) of the Act;

[S 294/2019 wef 08/10/2018]

(ba) the financial advisory service is provided to any of the following:

- (i) an accredited investor;
- (ii) an expert investor;
- (iii) an institutional investor;
- (iv) an ex-accredited investor who is an existing customer of the related corporation mentioned in

sub-paragraph (b), but only in respect of the foreign company's provision of the financial advisory service in the period from 8 October 2018 to 7 April 2019 (both dates inclusive); and

[S 294/2019 wef 08/10/2018]

- (c) the foreign company is subject to regulatory oversight by a foreign regulatory authority in the place where the foreign company is established to carry on the business of providing the financial advisory service.

(3) A foreign company that is exempt under paragraph (1) ceases to be exempt in relation to a type of financial advisory service mentioned in that paragraph if the foreign company ceases to be subject to regulatory oversight by the foreign regulatory authority mentioned in paragraph (2)(c) in relation to the provision of that type of financial advisory service.

(4) In this regulation, “foreign regulatory authority” means an authority of a foreign country exercising any function that corresponds to a regulatory function of the Authority under the Act.

[S 659/2018 wef 08/10/2018]

Exemption for, and application of Regulations to, venture capital fund manager and its representatives

32D.—(1) A venture capital fund manager is exempt from sections 25 to 29, 32, 33, 34 and 36 of the Act, as applied by section 23(4) of the Act, in respect of its business of advising one or more venture capital funds concerning any investment product, other than —

- (a) advising by issuing or promulgating research analyses or research reports concerning any investment product; or
- (b) advising on corporate finance within the meaning of the Securities and Futures Act.

[S 659/2018 wef 08/10/2018]

(2) A person acting as a representative of a venture capital fund manager in respect of the financial advisory service mentioned in paragraph (1) is exempt from section 23B(1) of the Act.

[S 659/2018 wef 08/10/2018]

(3) A venture capital fund manager who is the principal of a representative providing the financial advisory service mentioned in paragraph (1) on behalf of the venture capital fund manager is exempt from section 23B(3) of the Act.

[S 659/2018 wef 08/10/2018]

(4) Regulation 37(1) does not apply to a venture capital fund manager.

[S 586/2017 wef 20/10/2017]

Exemption from section 25 of Act for advising accredited investor or expert investor

33.—(1) Section 25 of the Act shall not apply to a licensed financial adviser, an exempt financial adviser, or any of its appointed or provisional representatives, when providing any financial advisory service in respect of —

- (a) any designated investment product (within the meaning of section 25(6) of the Act) to any of the following:
 - (i) an accredited investor;
 - (ii) an ex-accredited investor who is an existing customer of the licensed financial adviser or exempt financial adviser (as the case may be) but only in respect of the provision of the financial advisory service by the licensed financial adviser, the exempt financial adviser, or any of its appointed or provisional representative (as the case may be) in the period from 8 October 2018 to 7 April 2019 (both dates inclusive); or

[S 294/2019 wef 08/10/2018]

- (b) any designated investment product (within the meaning of section 25(6) of the Act), that is a capital markets product, to an expert investor.

(2) Where a licensed financial adviser, an exempt financial adviser, or any of its appointed or provisional representatives, provides any financial advisory service in the circumstances specified in paragraph (1), the licensed financial adviser, exempt financial adviser or representative, as the case may be, shall disclose the exemption under that paragraph to the accredited investor, expert investor or ex-accredited investor, as the case may be, unless the accredited investor, expert investor or ex-accredited investor is —

- (a) an institutional investor;
- (b) a related corporation of the licensed financial adviser or exempt financial adviser, as the case may be;
- (c) a person who is connected to the licensed financial adviser or exempt financial adviser, as the case may be; or
- (d) an approved headquarters company or approved Finance and Treasury Centre which carries on business involving the provision of all or any type of financial advisory service, where such business has been approved as a qualifying service in relation to that headquarters company or Finance and Treasury Centre under section 43E(2)(a) or 43G(2)(a) of the Income Tax Act (Cap. 134), as the case may be.

[S 294/2019 wef 08/10/2018]

(3) Any person who contravenes paragraph (2) shall be guilty of an offence.

[S 362/2005 wef 01/07/2005]

[S 716/2010 wef 26/11/2010]

Exemption from section 27 for dealers and related exemptions

33A.—(1) A dealer is exempt from section 27 of the Act (as it applies to the dealer by reason of section 23(4) of the Act) in relation to a recommendation of a listed excluded investment product provided to the dealer's client by the dealer or a trading representative of the dealer, subject to the following conditions:

- (a) the dealer or trading representative, as the case may be, provides together with the recommendation —

- (i) execution-related advice for the listed excluded investment product being recommended; and
 - (ii) the rationale for the advice;
- (b) the dealer has given to the client notice of the matters mentioned in paragraph (2), at the time mentioned in paragraph (3), whether directly, or indirectly through the dealer's trading representative or any other agent.
- (2) The matters to be in the notice under paragraph (1)(b) are all of the following:
- (a) that any execution-related advice provided by the dealer or the dealer's trading representative, as the case may be, does not take into account any of the client's investment objectives, financial situation or particular needs;
 - (b) that it is the responsibility of the client to ensure that the listed excluded investment product to which the execution-related advice relates, and in which the client intends to invest, suits the client.
- (3) The time of giving the notice under paragraph (1)(b) is before any execution-related advice is given by the dealer, or the dealer's trading representative, to the client for the first time on or after 1 April 2017.
- (4) A dealer under paragraph (1) is exempt from section 23B(3)(a) of the Act in respect of any trading representative that provides a recommendation of a listed excluded investment product on behalf of the dealer to a client of the dealer under the conditions mentioned in that paragraph, and such trading representative is exempt from section 23B(1)(a) of the Act in providing such recommendation.
- (5) A dealer must keep a register containing the details mentioned in paragraph (6) of every trading representative —
- (a) in respect of whom the exemption under paragraph (4) relates; and
 - (b) who is not specified in the public register of representatives as an appointed representative or a provisional

representative in respect of any type of financial advisory service.

(6) For the purpose of paragraph (5), the details of the trading representative are as follows:

- (a) name;
- (b) identity card number or passport number;
- (c) date on which the trading representative commences providing recommendations in accordance with paragraph (1)(a) on behalf of the dealer;
- (d) date on which the trading representative ceases providing recommendations in accordance with paragraph (1)(a) on behalf of the dealer.

(7) A dealer that fails to comply with paragraph (5) shall be guilty of an offence.

(8) In this regulation —

“client” includes a prospective client;

“dealer” means a person exempt from holding a financial adviser’s licence under section 23(1)(a), (b) or (d) of the Act and who carries on a business of providing execution-related advice;

“execution activities” means dealing in capital markets products that are specified products that —

- (a) have received approval in-principle for listing and quotation on any approved exchange or overseas exchange; or
- (b) are listed for quotation or quoted on any approved exchange or overseas exchange;

[S 659/2018 wef 08/10/2018]

“execution-related advice” means advice that is provided by a dealer, or a trading representative of the dealer, to a client of the dealer where —

- (a) the advice concerns any listed excluded investment product;
- (b) the advice is provided to the client directly or through any publication or writing, whether in electronic, print or other form (other than through the issuance or promulgation of any research analysis or research report, whether in electronic, print or other form);
- (c) the provision of the advice is solely incidental to the carrying out of any execution activities by the dealer or the trading representative (as the case may be); and
- (d) no discrete fee is charged by the dealer or trading representative (as the case may be) for the advice;

“listed excluded investment product” means a listed excluded investment product specified in the Fifth Schedule;

[Deleted by S 659/2018 wef 08/10/2018]

“trading representative”, in relation to a dealer, means an individual who is an appointed representative, a provisional representative or a temporary representative, as defined in section 2(1) of the Securities and Futures Act, of the dealer in respect of the execution activities.

[S 113/2017 wef 01/04/2017]

Exemption from section 27 of Act in certain circumstances

34.—(1) Section 27 of the Act shall not apply to a licensed financial adviser, an exempt financial adviser, or any of its appointed or provisional representatives, when making a recommendation in respect of —

- (a) any investment product to any of the following:
 - (i) an accredited investor;
 - (ii) an ex-accredited investor who is an existing customer of the licensed financial adviser or exempt financial adviser (as the case may be) but only in respect of the making of any recommendation by the licensed financial adviser, the exempt

financial adviser, or any of its appointed or provisional representatives (as the case may be) in the period from 8 October 2018 to 7 April 2019 (both dates inclusive);

[S 294/2019 wef 08/10/2018]

- (b) any capital markets product to an expert investor; or
- (c) any Government securities.

(2) Where a licensed financial adviser, an exempt financial adviser, or any of its appointed or provisional representatives, provides any financial advisory service in the circumstances specified in paragraph (1), the licensed financial adviser, exempt financial adviser or appointed or provisional representative, as the case may be, shall disclose the exemption under that paragraph to the accredited investor, expert investor or ex-accredited investor, as the case may be, unless the accredited investor, expert investor or ex-accredited investor is —

- (a) an institutional investor;
- (b) a related corporation of the licensed financial adviser or exempt financial adviser, as the case may be;
- (c) a person who is connected to the licensed financial adviser or exempt financial adviser, as the case may be; or
- (d) an approved headquarters company or approved Finance and Treasury Centre which carries on business involving the provision of all or any type of financial advisory service, where such business has been approved as a qualifying service in relation to that headquarters company or Finance and Treasury Centre under section 43E(2)(a) or 43G(2)(a) of the Income Tax Act (Cap. 134), as the case may be.

[S 294/2019 wef 08/10/2018]

(3) Any person who contravenes paragraph (2) shall be guilty of an offence.

[S 362/2005 wef 01/07/2005]

[S 716/2010 wef 26/11/2010]

Non-application of sections 38 and 39 of Act for certain persons

34A.—(1) Sections 38 and 39 of the Act do not apply to the following:

- (a) any bank in Singapore or any merchant bank which is exempt under the Financial Advisers (Exemption from Sections 25 to 29 and 36) Regulations (Rg 6) in respect of the provision of any financial advisory service relating to an existing product or a new product within the meaning of those Regulations, in relation to its business of providing such service;
- (b) a bank or merchant bank which is exempt from holding a financial adviser's licence under section 23(1)(a) or (b) of the Act in relation to its business involving an activity for which it is exempt under regulation 27A from complying with section 23(4) of the Act;
- (c) a licensed financial adviser or an exempt financial adviser who solely advises others by issuing or promulgating research analyses or research reports, whether in electronic, print or other form, concerning any investment product;
- (d) a licensed financial adviser or an exempt financial adviser, in relation to —
 - (i) its business of providing any financial advisory service to a client —
 - (A) who is any of the following:
 - (AA) an accredited investor;
 - (AB) an expert investor;
 - (AC) an institutional investor;
 - (AD) an existing customer of the licensed financial adviser or exempt financial adviser (as the case may be) but only in respect of the business of providing any financial advisory service that is carried out by the licensed financial adviser or

exempt financial adviser (as the case may be) in the period from 8 October 2018 to 7 April 2019 (both dates inclusive); or

(B) that is not an individual;

[S 294/2019 wef 08/10/2018]

(ii) its business of providing any financial advisory service through a department, division, section or unit within the financial adviser, for which the department, division, section or unit within the financial adviser has been exempted under section 100(2) of the Act from having to comply with —

(A) sections 25, 27, 28 and 36 of the Act; and

(B) the relevant written directions;

(iii) its business of making recommendations with respect to life policies which are sold as an ancillary product to loans with a simple payment basis for the insurance cover (including policies that cover outstanding loans such as personal loans, car loans and credit card balances, but excluding mortgage reducing term assurance plans);

(iv) its business of making recommendations with respect to selling or purchasing group life policies;

(v) its business of providing execution-related advice as a dealer;

(vi) its business of providing any financial advisory service where —

(A) only factual information is provided to a client with respect to any investment product (including the marketing of any designated investment product through the use of direct response, advertising, or communications through any medium); and

(B) no advice or recommendation is provided by the licensed financial adviser, exempt financial adviser or their representatives, to such client with respect to such investment product;

(vii) its business involving an activity for which the licensed financial adviser or exempt financial adviser is exempt under regulation 31, 32B, 34 or 36 from complying with section 27 of the Act; or

(viii) its business involving an activity to which section 27 of the Act does not apply to a licensed financial adviser or an exempt financial adviser by virtue of regulation 18A.

(2) In this regulation —

“collective investment scheme” has the same meaning as in section 2(1) of the Securities and Futures Act (Cap. 289);

“dealer” means a person exempt from holding a financial adviser’s licence under section 23(1)(a), (b) or (d) of the Act and who carries on a business of providing execution-related advice;

“designated investment product” has the same meaning as in section 25(6) of the Act;

“execution activities” means either or both of the following activities:

(a) dealing in capital markets products that are specified products which have received approval in-principle for listing and quotation on, or are listed for quotation or quoted on, any approved exchange or overseas exchange;

(b) dealing in capital markets products that are futures contracts;

[S 659/2018 wef 08/10/2018]

“execution-related advice” means advice provided which is solely incidental to the execution activities of a dealer with no discrete fee charged by the dealer for the advice rendered;

“group life policy” means a life policy in respect of which —

- (a) the policy owner is not an individual; and
- (b) there are 2 or more insured persons;

[Deleted by S 659/2018 wef 08/10/2018]

“policy owner” has the same meaning as in the First Schedule to the Insurance Act (Cap. 142);

“relevant written directions” means the following written directions issued by the Authority under section 58 of the Act:

- (a) Notice on Recommendations on Investment Products (Notice No. FAA-N16);
- (b) Notice on Appointment and Use of Introducers by Financial Advisers (Notice No. FAA-N02);
- (c) Notice on Information to Clients and Product Information Disclosure (Notice No. FAA-N03);
- (d) Notice on Minimum Entry and Examination Requirements for Representatives of Licensed Financial Advisers and Exempt Financial Advisers (Notice No. FAA-N13).

[S 815/2015 wef 01/01/2016]

Exemption from section 36 of Act

35.—(1) Section 36 of the Act shall not apply to a licensed financial adviser, an exempt financial adviser, or any of its appointed or provisional representatives when sending a circular or other similar written communication in which a recommendation is made in respect of —

- (a) any specified product to any of the following:
 - (i) an expert investor;
 - (ii) an accredited investor;
 - (iii) an ex-accredited investor who is an existing customer of the licensed financial adviser or exempt financial adviser (as the case may be) but

only in respect of the sending of any circular or other similar written communication in which a recommendation is made by the licensed financial adviser, the exempt financial adviser, or any of its appointed or provisional representatives in the period from 8 October 2018 to 7 April 2019 (both dates inclusive); or

[S 294/2019 wef 08/10/2018]

(b) any Government securities.

[S 362/2005 wef 01/07/2005]

[S 716/2010 wef 26/11/2010]

(2) Where a licensed financial adviser, an exempt financial adviser, or any of its appointed or provisional representatives, provides any financial advisory service in the circumstances specified in paragraph (1), the licensed financial adviser, exempt financial adviser or appointed or provisional representative, as the case may be, shall disclose the exemption under that paragraph to the accredited investor, expert investor or ex-accredited investor, as the case may be, unless the accredited investor, expert investor or ex-accredited investor is —

- (a) an institutional investor;
- (b) a related corporation of the licensed financial adviser or exempt financial adviser, as the case may be;
- (c) a person who is connected to the licensed financial adviser or exempt financial adviser, as the case may be; or
- (d) an approved headquarters company or approved Finance and Treasury Centre which carries on business involving the provision of all or any type of financial advisory service, where such business has been approved as a qualifying service in relation to that headquarters company or Finance and Treasury Centre under section 43E(2)(a) or 43G(2)(a) of the Income Tax Act (Cap. 134), as the case may be.

[S 362/2005 wef 01/07/2005]

[S 294/2019 wef 08/10/2018]

(3) Any person who contravenes paragraph (2) shall be guilty of an offence.

[S 362/2005 wef 01/07/2005]

[S 716/2010 wef 26/11/2010]

Exemption for advising overseas investors

36.—(1) Sections 25 to 29, 32, 34 and 36 of the Act shall not apply to a licensed financial adviser or an exempt financial adviser when providing any financial advisory service to any person outside Singapore who is —

(a) an individual and —

(i) not a citizen of Singapore;

(ii) not a permanent resident of Singapore; and

(iii) not wholly or partly dependent on a citizen or permanent resident of Singapore; or

(b) in any other case, a person with no commercial or physical presence in Singapore.

(2) Sections 25 to 27, 29, 34 and 36 of the Act shall not apply to an appointed or a provisional representative of a licensed financial adviser or an exempt financial adviser when carrying out the activity referred to in paragraph (1) as a representative of the licensed financial adviser or exempt financial adviser, as the case may be.

(3) Where a licensed financial adviser, an exempt financial adviser, or any of its appointed or provisional representatives, provides any financial advisory service in the circumstances specified in paragraph (1) or (2), the licensed financial adviser, exempt financial adviser or appointed or provisional representative, as the case may be, shall disclose the exemption under that paragraph to the person outside Singapore referred to in paragraph (1).

(4) Any person who contravenes paragraph (3) shall be guilty of an offence.

[S 362/2005 wef 01/07/2005]

[S 716/2010 wef 26/11/2010]

Reporting requirements for exempt financial advisers

37.—(1) A person who is exempt from holding a financial adviser's licence under section 23(1)(a), (b), (c), (d) or (e) of the Act shall lodge with the Authority —

(a) where the person arranges contracts of insurance in respect of life policies, but is not an insurer which arranges contracts of insurance in respect of life policies on its own behalf, a statement of placement of direct life insurance business handled by the person in Form 16 within 5 months after the end of its financial year or such longer period as the Authority may approve;

(b) unless sub-paragraph (ba) applies, where the person commences business in —

(i) any financial advisory service or any additional financial advisory service; or

(ii) any financial advisory service in respect of any additional type of investment product,

a notice of such commencement in Form 26 not later than 14 days prior to the commencement or such later date as the Authority may allow in any particular case; or

[S 659/2018 wef 08/10/2018]

(ba) where immediately before 8 October 2018, the person carried on a business of providing any financial advisory service specified in paragraph 1 or 2 of the Second Schedule to the Act in respect of any specified investment product, a notice of this fact in Form 26 not later than 24 months after 8 October 2018 or such later date as the Authority may allow in any particular case;

[S 659/2018 wef 08/10/2018]

(c) where there is any change in any particulars required to be notified in —

(i) Form 26 under sub-paragraph (b) or (ba);

[S 659/2018 wef 08/10/2018]

(ii) Form 20 under regulation 37(1)(b) of these Regulations in force immediately before 26th November 2010; or

(iii) Form 21 under regulation 37(1)(c) of these Regulations in force immediately before 26th November 2010,

a notice of such change in Form 27, not later than 14 days after the date of change or such later date as the Authority may allow in any particular case;

[S 716/2010 wef 26/11/2010]

(d) where the person ceases business in any or all financial advisory service, or any financial advisory service in respect of any investment product, for which notice has been given in —

(i) Form 26 under sub-paragraph (b) or (ba);

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(ii) Form 20 under regulation 37(1)(b) of these Regulations in force immediately before 26th November 2010; or

(iii) Form 21 under regulation 37(1)(d) of these Regulations in force immediately before 26th November 2010,

a notice of such cessation in Form 28, not later than 14 days after the cessation or such later date as the Authority may allow;

[S 716/2010 wef 26/11/2010]

[S 659/2018 wef 08/10/2018]

(da) where an appointed representative or a provisional representative of the person ceases to act as a representative in relation to any financial advisory service in respect of any investment product that is indicated against the name of the representative in the public register of representatives, a notice of such cessation

in Form 10 not later than the next business day after the date of such cessation; and

[S 659/2018 wef 08/10/2018]

- (e) where the person arranges contracts of insurance in respect of life policies and is required to maintain an insurance broking account under section 32(1) of the Act, an audited statement of the insurance broking premium account in Form 24 within 5 months after the end of its financial year or such longer period as the Authority may approve.

(2) A person referred to in regulation 27(1)(d) shall lodge with the Authority —

- (a) a notice of commencement of business in Form 20 not later than 14 days after the date of commencement of its business as a financial adviser;
- (b) a notice of change of particulars in Form 21 providing any change in the particulars required to be notified under sub-paragraph (a) not later than 14 days after the date of the change;
- (c) a notice of cessation of business in Form 22 not later than 14 days after the date of cessation of its business as a financial adviser; and
- (d) a declaration in Form 23 within 14 days after the end of its financial year or such longer period as the Authority may approve.

(3) A person referred to in regulation 27(1)(d) who has, at any time before 1st October 2002, lodged a notice of commencement of business in the prescribed form —

- (a) under regulation 22A(5)(a)(i) of the revoked Futures Trading Regulations (Cap. 116, Rg 1, 1998 Ed.) in relation to the activity specified in paragraph (a) or (b) of the definition of “futures trading adviser” in section 2(1) of the repealed Futures Trading Act (Cap. 116, 1986 Ed.), or both activities; or

- (b) under regulation 41(5)(a) of the revoked Securities Industry Regulations (Cap. 289, Rg 1, 1995 Ed.) in relation to the activity specified in paragraph (a) or (b) of the definition of “investment adviser” in section 2(1) of the repealed Securities Industry Act (Cap. 289, 1986 Ed.), or both activities,

shall be deemed to have lodged a notice of commencement of business in compliance with paragraph (2)(a).

(4) Any person who contravenes paragraph (1) or (2) shall be guilty of an offence.

Exemption of licensed financial advisers for distribution of direct purchase insurance products

38.—(1) Subject to the conditions in paragraph (2), a licensed financial adviser which distributes direct purchase insurance products on behalf of one or more direct life insurers, is exempt from —

- (a) sections 25 and 27 of the Act in respect of the provision of any specified financial advisory service by the licensed financial adviser that is solely incidental to the distribution of the direct purchase insurance products; and
- (b) section 23B(3) of the Act in respect of the distribution of the direct purchase insurance products by any of the licensed financial adviser’s customer service officers.

(2) For the purposes of paragraph (1), the conditions are —

- (a) other than by any specified advertisement, the licensed financial adviser must not, whether through a customer service officer, representative or otherwise, and whether in Singapore or elsewhere —
- (i) offer to sell to the public in Singapore or any section of the public in Singapore;
- (ii) invite the public in Singapore or any section of the public in Singapore to purchase; or
- (iii) solicit from the public in Singapore or any section of the public in Singapore offers to purchase,

any direct purchase insurance product;

- (b) other than by any specified advertisement, the licensed financial adviser must not, whether through a customer service officer, representative or otherwise, and whether in Singapore or elsewhere —
 - (i) offer to sell to a member of the public in Singapore;
 - (ii) invite any such member to purchase; or
 - (iii) solicit from any such member an offer to purchase, any direct purchase insurance product, unless the member of the public has first requested for information on any life policy;
- (c) the licensed financial adviser must not, whether through a customer service officer, representative or otherwise, omit to disclose any matter that is material to any statement or representation made in relation to any direct purchase insurance product to any client; and
- (d) the licensed financial adviser must establish and maintain a register containing the following details of each appointed or provisional representative who distributes the direct purchase insurance products on behalf of the licensed financial adviser under paragraph (1)(a) and each customer service officer referred to in paragraph (1)(b):
 - (i) name;
 - (ii) identity card number or passport number;
 - (iii) contact number;
 - (iv) the places of business of the licensed financial adviser at which the appointed or provisional representative or customer service officer distributes the direct purchase insurance products;
 - (v) the date on which the appointed or provisional representative or customer service officer commences distributing the direct purchase insurance products;

- (vi) the date on which the appointed or provisional representative or customer service officer ceases distributing the direct purchase insurance products, where applicable.

[S 169/2015 wef 31/03/2015]

Exemption of specified financial advisers for distribution of direct purchase insurance products

39.—(1) Subject to the conditions in paragraph (2), a specified financial adviser is exempt from —

- (a) sections 25 and 27 of the Act (as they apply to a specified financial adviser by reason of section 23(4) of the Act) in respect of the provision of any specified financial advisory service that is solely incidental to the distribution of direct purchase insurance products on the specified financial adviser’s own behalf or on behalf of one or more direct life insurers, as the case may be; and
- (b) section 23B(3) of the Act in respect of the distribution of direct purchase insurance products by any of the specified financial adviser’s customer service officers on the specified financial adviser’s own behalf or on behalf of one or more direct life insurers, as the case may be.

(2) The conditions referred to in paragraph (1) are the same conditions specified in regulation 38(2), with each reference in that provision to a licensed financial adviser replaced with a reference to a specified financial adviser.

[S 169/2015 wef 31/03/2015]

Exemption of appointed or provisional representative of exempt adviser for distribution of direct purchase insurance products

40.—(1) Subject to the conditions in paragraph (2), when a financial adviser is exempt from sections 25 and 27 of the Act in respect of the provision of any specified financial advisory service that is solely incidental to the distribution of direct purchase insurance products, its appointed or provisional representative is

also exempt from sections 25 and 27 of the Act (as they apply to an appointed or provisional representative by reason of section 37 of the Act) in respect of the provision of that service on behalf of the financial adviser.

(2) The conditions referred to in paragraph (1) are that the appointed or provisional representative comply with the conditions specified in regulation 38(2)(a), (b) and (c), as modified in the following manner:

- (a) each reference in regulation 38(2)(a), (b) and (c) to a licensed financial adviser is replaced with a reference to the appointed or provisional representative;
- (b) each reference in regulation 38(2)(a) and (b) to “whether through a customer service officer, representative or otherwise, and” is deleted;
- (c) the reference in regulation 38(2)(c) to “, whether through a customer service officer, representative or otherwise,” is deleted.

[S 169/2015 wef 31/03/2015]

Exemption of customer service officers of exempt adviser for distribution of direct purchase insurance products

40A.—(1) Subject to the conditions in paragraph (2), when a financial adviser is exempt from sections 25 and 27 of the Act in respect of the provision of any specified financial advisory service that is solely incidental to the distribution of direct purchase insurance products, its customer service officer is also exempt from section 23B(1) of the Act in respect of the provision of that service on behalf of the financial adviser.

(2) The conditions referred to in paragraph (1) are that the customer service officer, in relation to the distribution of the direct purchase insurance products by the customer service officer —

- (a) complies with sections 23G(1) (read with section 23G(2) and (3) of the Act), 26(1) (read with section 26(2) of the Act) and (1A), 33(1) (read with section 33(2) and (3) of the

Act) and 34(1) and (2) of the Act, as modified in the following manner:

- (i) every reference in sections 26(1) and (1A), 33(1) and 34(1) and (2) of the Act to a licensed financial adviser is replaced with a reference to the customer service officer;
 - (ii) every reference in section 23G(1) and (2) of the Act to an appointed or provisional representative is replaced with a reference to the customer service officer;
- (b) furnishes to the Authority any information about the distribution of the direct purchase insurance product as the Authority may require; and
- (c) complies with the conditions specified in regulation 38(2)(a), (b) and (c), as modified in the following manner:
- (i) every reference in regulation 38(2)(a), (b) and (c) to a licensed financial adviser is replaced with a reference to the customer service officer;
 - (ii) every reference in regulation 38(2)(a) and (b) to “whether through a customer service officer, representative or otherwise, and” is deleted;
 - (iii) the reference in regulation 38(2)(c) to “, whether through a customer service officer, representative or otherwise,” is deleted.

[S 169/2015 wef 31/03/2015]

Definitions of terms in regulations 38 to 40B

40B. In regulations 38 to 40A and this regulation —

“Benefit Illustration”, in relation to a direct purchase insurance product, means an illustration setting out the projected benefits payable under the direct purchase insurance product, which is prepared by a direct life insurer pursuant to such notice as may be issued by the Authority and

published on the Authority's Internet website at <http://www.mas.gov.sg>;

“client” includes a prospective client;

“customer service officer”, in relation to a financial adviser, means any individual —

(a) who is in the direct employment of the financial adviser, acting for the financial adviser or has an arrangement with the financial adviser to act for the financial adviser;

(b) who has undergone the training required by the financial adviser to distribute direct purchase insurance products on behalf of the financial adviser; and

(c) who is not an appointed representative or a provisional representative of the financial adviser;

“direct insurer” has the same meaning as in section 1A of the Insurance Act (Cap. 142);

“direct life insurer” means a direct insurer licensed under section 8 of the Insurance Act to carry on life business;

“direct purchase insurance product” means —

(a) a term life insurance product;

(b) a term life insurance product with a critical illness rider;

(c) a whole life participating insurance product; or

(d) a whole life participating insurance product with a critical illness rider,

which satisfies the requirements set out in Part 1 of the Fourth Schedule and is manufactured and offered by any direct life insurer;

“distribute”, in relation to a direct purchase insurance product, means all or any of the following services:

- (a) provide any information on the direct purchase insurance product, including any of the following, to any client:
 - (i) the Product Summary of the direct purchase insurance product;
 - (ii) the Benefit Illustration of the direct purchase insurance product;
 - (iii) the name of the direct purchase insurance product;
 - (iv) any information on the direct life insurer on whose behalf the direct purchase insurance product is distributed;
- (b) highlight any disclaimer, exclusion or warning of the direct purchase insurance product to any client;
- (c) assist or prompt any client to provide any personal information on any proposal form for the purchase of the direct purchase insurance product or to complete such proposal form;
- (d) collect any proposal form, cheque, or both for the purchase of the direct purchase insurance product by any client;
- (e) provide any other assistance to any client to purchase the direct purchase insurance product;

“life business” has the same meaning as in section 2(1) of the Insurance Act;

“life policy” has the same meaning as in the First Schedule to the Insurance Act;

“Product Summary”, in relation to a direct purchase insurance product, means a summary setting out the principal features of the direct purchase insurance product, which is prepared by a direct life insurer pursuant to such notice as may be issued by the Authority and published on the Authority’s Internet website at <http://www.mas.gov.sg>;

“specified advertisement”, in relation to an offer to sell, an invitation to purchase, or a solicitation for an offer to purchase any direct purchase insurance product, means the dissemination or conveyance of any information on the direct purchase insurance product, or on the offer, invitation or solicitation, by any of the following means:

- (a) any written, printed or electronic communication, including by means of the Internet;
- (b) radio, television or other mass media;
- (c) a recorded telephone message;

“specified financial adviser” is any financial adviser —

- (a) who —
 - (i) is exempt from holding a financial adviser’s licence under section 23(1)(a), (b), (c), (d) or (e) of the Act;
 - (ii) is not a direct life insurer; and
 - (iii) distributes direct purchase insurance products on behalf of one or more direct life insurers; or
- (b) who —
 - (i) is exempt from holding a financial adviser’s licence under section 23(1)(c) of the Act;
 - (ii) is a direct life insurer; and
 - (iii) distributes direct purchase insurance on the financial adviser’s own behalf or on behalf of one or more other direct life insurers;

“specified financial advisory service” means —

- (a) advising others, either directly or through any publication or writing (other than by issuing or promulgating any research analysis or research report), concerning any direct purchase insurance product; or

- (b) arranging any contract of insurance in respect of any direct purchase insurance product.

[S 169/2015 wef 31/03/2015]

Division 2 — Temporary exemptions relating to provision of financial advisory services in respect of specified investment products

Definitions of this Division

40BA. In this Division —

“exempt financial adviser” means an exempt financial adviser under section 23(1)(a), (b), (c), (d) or (e) of the Act;

“financial advisory service” means a type of financial advisory service specified in paragraph 1 or 2 of the Second Schedule to the Act;

“grace period” means a period ending 24 months after 8 October 2018.

[S 659/2018 wef 08/10/2018]

Subdivision (1) — Exemption of financial advisers

Exemption of licensed financial adviser in relation to providing financial advisory service in respect of specified OTC derivatives contracts

40BB.—(1) Subject to paragraph (2), a holder of a financial adviser’s licence who, immediately before 8 October 2018, carried on a business of providing any financial advisory service in respect of any specified OTC derivatives contract is exempt from sections 6(1), 22(1) and 25 to 29 of the Act and regulations 18B and 21(1) and (2) in relation to the provision of the financial advisory service until the expiry of the grace period.

(2) If the holder of the financial adviser’s licence mentioned in paragraph (1) applies during the grace period to the Authority under section 16(1) of the Act to vary its licence by adding —

- (a) a financial advisory service in respect of OTC derivatives contracts as being authorised to be provided by the licence;
or

- (b) OTC derivatives contracts as a type of investment product in respect of which the holder may provide a financial advisory service,

the exemption under paragraph (1) ceases at the end of the date specified in paragraph (3).

(3) For the purposes of paragraph (2), the date is —

- (a) where the application is approved or withdrawn, the later of the following dates:

- (i) the date on which the grace period expires;
- (ii) the date on which the application is approved or withdrawn, as the case may be; or

(b) where the application is refused —

- (i) if no appeal is made under section 20 of the Act against the refusal of the application, the last date on which an appeal could have been made; or
- (ii) if an appeal is made under section 20 of the Act against the refusal of the application —
 - (A) if the appeal is allowed, the date on which the appeal is allowed; or
 - (B) if the appeal is rejected, the date on which the holder of the financial adviser's licence is notified of the rejection of the appeal.

[S 659/2018 wef 08/10/2018]

Exemption of exempt financial adviser in relation to providing financial advisory service in respect of specified investment products

40BC. An exempt financial adviser who, immediately before 8 October 2018, carried on a business of providing any financial advisory service in respect of a specified investment product is exempt from sections 25 to 29 of the Act, read with section 23(4) of the Act, in relation to the provision of the financial advisory service until the expiry of the grace period.

[S 659/2018 wef 08/10/2018]

Exemption of person other than licensed or exempt financial advisers in relation to providing financial advisory service in respect of specified OTC derivatives contracts

40BD.—(1) Subject to paragraph (2), a person (other than a licensed financial adviser or an exempt financial adviser) who, immediately before 8 October 2018, carried on a business of providing a financial advisory service in respect of any specified OTC derivatives contract is exempt from sections 6(1) and 22(1) of the Act until the expiry of the grace period.

(2) If a person mentioned in paragraph (1) applies during the grace period to the Authority under section 8(1) of the Act for the grant of a financial adviser’s licence in relation to the financial advisory service in respect of OTC derivatives contracts, the period of exemption under paragraph (1) ceases at the end of —

(a) where the application is approved or withdrawn, the later of the following dates:

- (i) the date on which the grace period expires;
- (ii) the date on which the application is approved or withdrawn, as the case may be; or

(b) where the application is refused —

- (i) if no appeal is made under section 20 of the Act against the refusal of the application, the last date on which an appeal could have been made; or
- (ii) if an appeal is made under section 20 of the Act against the refusal of the application —
 - (A) if the appeal is allowed, the date on which the appeal is allowed; or
 - (B) if the appeal is rejected, the date on which the person is notified of the rejection of the appeal.

(3) If a person is granted a financial adviser’s licence pursuant to an application under paragraph (2), the person is also exempt from sections 25 to 29 of the Act and regulations 18B and 21(1) and (2) in relation to the financial advisory service starting on the date of the

grant of the financial adviser's licence until the expiry of the grace period.

[S 659/2018 wef 08/10/2018]

Subdivision (2) — Exemption of representatives, etc.

Exemption of appointed representative in relation to providing financial advisory service in respect of specified investment products

40BE.—(1) Subject to paragraph (3), an appointed representative (*A*) of a licensed financial adviser who, immediately before 8 October 2018, had been providing a financial advisory service in respect of any specified OTC derivatives contract is exempt from section 23B(1) and sections 25, 26, 27 and 29, read with section 37, of the Act and regulation 21(3) in relation to the provision of the financial advisory service on behalf of the licensed financial adviser until the expiry of the grace period.

(2) Subject to paragraph (3), an appointed representative (*B*) of an exempt financial adviser who, immediately before 8 October 2018, had been providing a financial advisory service in respect of any specified investment product is exempt from section 23B(1) and sections 25, 26, 27 and 29, read with section 37, of the Act and regulation 21(3) in relation to the provision of the financial advisory service on behalf of the exempt financial adviser until the expiry of the grace period.

(3) If the principal of *A* or *B* lodges with the Authority during the grace period a notice mentioned in section 23I of the Act to appoint *A* or *B* (as the case may be) as an appointed representative in relation to the provision of the financial advisory service mentioned in paragraph (1) or (2) (as the case may be), the exemption under paragraph (1) or (2) (as the case may be) ceases at the end of —

(a) where the Authority registers the provision of such financial advisory service under section 23I(3) of the Act by *A* or *B* (as the case may be), the later of the following dates:

(i) the date on which the grace period expires;

- (ii) the date of the registration by the Authority; or
- (b) where the Authority refuses under section 23J(1) of the Act to register the provision of such financial advisory service by *A* or *B*, as the case may be —
 - (i) if no appeal is made under section 23M of the Act against the refusal, the last date on which an appeal could have been made; or
 - (ii) if an appeal is made under section 23M of the Act against the refusal —
 - (A) if the appeal is allowed, the date on which the appeal is allowed; or
 - (B) if the appeal is rejected, the date on which *A* or *B* (as the case may be) is notified of the rejection of the appeal.

(4) In paragraph (3), “register”, in relation to the provision of a type of financial advisory service by an appointed representative, means to enter in the public register of representatives the type of financial advisory service as one which the appointed representative may provide as a representative.

[S 659/2018 wef 08/10/2018]

Exemption of person (other than appointed representative) acting as representative in relation to any financial advisory service in respect of specified investment products

40BF.—(1) A person (other than an appointed representative) (*A*) who, immediately before 8 October 2018, acted as, or held himself out as, a representative for a licensed financial adviser in relation to a financial advisory service in respect of specified OTC derivatives contracts is exempt from section 23B(1) of the Act and regulation 21(3) for continuing to so act, or hold himself out, as a representative for the licensed financial adviser in relation to the same matters until the expiry of the grace period.

(2) A person (other than an appointed representative) (*B*) who, immediately before 8 October 2018, acted as, or held himself out as, a representative for an exempt financial adviser in relation to a

financial advisory service in respect of any specified investment product is exempt from section 23B(1) of the Act and regulation 21(3) for continuing to so act, or hold himself out, as a representative for the exempt financial adviser in relation to the same matters until the expiry of the grace period.

(3) If the principal of *A* or *B* (as the case may be) lodges during the grace period the documents under section 23F(1) of the Act to appoint *A* or *B* (as the case may be) as an appointed representative in relation to the financial advisory service mentioned in paragraph (1) or (2) (as the case may be), the exemption under paragraph (1) or (2) (as the case may be) ceases at the end of —

(a) where the Authority registers the person under section 23F(2) of the Act as an appointed representative in relation to such financial advisory service, the later of the following dates:

- (i) the date on which the grace period expires;
- (ii) the date of the registration by the Authority; or

(b) where the Authority refuses under section 23J(1) of the Act to register the person as an appointed representative in relation to such financial advisory service —

(i) if no appeal is made under section 23M of the Act against the refusal, the last date on which an appeal could have been made; or

(ii) where an appeal is made under section 23M of the Act against the refusal —

(A) if the appeal is allowed, the date on which the appeal is allowed; or

(B) if the appeal is rejected, the date on which the person is notified of the rejection of the appeal.

(4) If a person is registered as an appointed representative pursuant to a lodgment under paragraph (3), the person is also exempt from sections 25, 26, 27 and 29, read with section 37, of the Act and regulation 21(3) in relation to the financial advisory service mentioned in paragraph (1) or (2) (as the case may be) starting on

the date on which the person is registered until the expiry of the grace period.

(5) In paragraph (3), “register”, in relation to a person, means to enter into the public register of representatives the name of the person as an appointed representative, the type of financial advisory service which he may provide, and such other particulars as the Authority considers appropriate.

[S 659/2018 wef 08/10/2018]

Exemption of person performing any financial advisory service in respect of specified OTC derivatives contracts for person other than licensed or exempt financial adviser

40BG.—(1) A person who, immediately before 8 October 2018, was in the direct employment of, or acting for, or by arrangement with, a person other than a licensed financial adviser or an exempt financial adviser, and performed on behalf of such person a financial advisory service in respect of specified OTC derivatives contracts is exempt from section 23B(1) of the Act and regulation 21(3) for continuing to perform the financial advisory service on behalf of the second-mentioned person until the expiry of the grace period.

(2) If a licensed financial adviser lodges during the grace period the documents under section 23F(1) of the Act to appoint the person as an appointed representative in relation to the financial advisory service in respect of specified OTC derivatives contracts (called in this regulation the advisory service), the exemption under paragraph (1) ceases at the end of —

- (a) where the Authority registers the person as an appointed representative in relation to the advisory service, the later of the following dates:
 - (i) the date on which the grace period expires;
 - (ii) the date of the registration by the Authority; or
- (b) where the Authority refuses under section 23J(1) of the Act to register the person as an appointed representative in relation to the advisory service —

- (i) if no appeal is made under section 23M of the Act against the refusal, the last date on which an appeal could have been made; or
- (ii) if an appeal is made under section 23M of the Act against the refusal —
 - (A) if the appeal is allowed, the date on which the appeal is allowed; or
 - (B) if the appeal is rejected, the date on which the person is notified of the rejection of the appeal.

(3) If a person is registered as an appointed representative pursuant to a lodgment under paragraph (2), the person is also exempt from sections 25, 26, 27 and 29, read with section 37, of the Act and regulation 21(3) in relation to the advisory service starting on the date on which the person is registered until the expiry of the grace period.

(4) In paragraph (2), “register”, in relation to a person, means to enter into the public register of representatives the name of the person as an appointed representative, the type of financial advisory service which he may provide, and such other particulars as the Authority considers appropriate.

[S 659/2018 wef 08/10/2018]

Subdivision (3) — Exemption from section 23B(3) of Act

Exemption from section 23B(3) of Act

40BH. The principal of the person mentioned in regulation 40BE(1) or (2), 40BF(1) or (2) or 40BG(1) is exempt from section 23B(3) of the Act in relation to the provision of any type of financial advisory service by the person on behalf of the principal for which the person is exempt under that provision.

[S 659/2018 wef 08/10/2018]

PART VIA

PRESCRIBED NON-FINANCIAL ADVISORY SERVICES

[S 815/2015 wef 01/01/2016]

Definitions of this Part

40C. In this Part —

“associate”, in relation to a licensed international market agent or an applicant for an international market agent licence, has the same meaning as in regulation 2(2) of the Casino Control (Casino Marketing Arrangements) Regulations 2013 (G.N. No. S 65/2013);

“client” includes prospective client;

“estate agent” has the same meaning as in section 3(1) of the Estate Agents Act (Cap. 95A);

“exempt financial adviser” means a person who is exempted from holding a financial adviser’s licence under section 23(1)(a), (b), (c), (d) or (e) of the Act;

“international market agent” and “international market agent licence” have the same meanings as in section 2(1) of the Casino Control Act (Cap. 33A);

“investment” means any tangible or intangible asset that is acquired or held by a person with the expectation of financial return or benefit in future;

“licensed estate agent” has the same meaning as in section 3(1) of the Estate Agents Act;

“non-financial advisory service” means a service other than a financial advisory service;

“referral activity” means —

(a) referring a client to a relevant person (referred to in regulation 40D(2)) for the provision of any non-financial advisory service or any product in relation to such service; or

(b) the activity referred to in paragraph (a) and either or both of the following:

(i) recording the particulars of a client and forwarding such particulars to a relevant person with the client’s consent;

(ii) providing factual information to a client on any product or service in relation to any non-financial advisory service provided by the relevant person, including (where applicable) information on —

(A) the name of the product or service;

(B) the product or service provider; or

(C) any fee or charge which may be imposed,

and “refer” and “referrals” are to be construed accordingly;

“revenue” means fees, brokerage, commissions and income earned in the ordinary course of business of the licensed financial adviser;

“salesperson” has the same meaning as in section 3(1) of the Estate Agents Act.

[S 815/2015 wef 01/01/2016]

Permitted businesses under section 55A(1)(iii) of Act

40D.—(1) The businesses that are prescribed for the purposes of section 55A(1)(iii) of the Act which a licensed financial adviser may carry on, or may enter into any partnership, joint venture or any other arrangement with any person to carry on, are set out in paragraphs (2), (4) and (5).

(2) A licensed financial adviser may carry on, or may enter into any partnership, joint venture or any other arrangement with any person to carry on, the business of carrying out referral activities (whether through any of the licensed financial adviser’s representatives or otherwise) in respect of any non-financial advisory service for one or more of the following persons (called in this regulation the relevant person) where the conditions set out in paragraph (3) are complied with:

(a) any bank licensed under the Banking Act (Cap. 19);

(b) any merchant bank approved as a financial institution under the Monetary Authority of Singapore Act (Cap. 186);

- (c) any finance company licensed under the Finance Companies Act (Cap. 108);
 - (d) any money-changer licensed to conduct money-changing business, or any remitter licensed to conduct remittance business, under the Money-changing and Remittance Businesses Act (Cap. 187);
 - (e) any insurer licensed or regulated under the Insurance Act (Cap. 142);
 - (f) any insurance intermediary registered or regulated under the Insurance Act;
 - (g) any holder of a capital markets services licence under the Securities and Futures Act (Cap. 289);
 - (h) any licensed trust company under the Trust Companies Act (Cap. 336);
 - (i) any person who carries on a business of providing will writing services, estate or tax planning services, or any combination of those services.
- (3) The conditions referred to in paragraph (2) are —
- (a) the licensed financial adviser must, when carrying out referral activities (whether through any of its representatives or otherwise), disclose in writing to every client —
 - (i) that the licensed financial adviser is carrying out referral activities for one or more relevant persons;
 - (ii) that, when carrying out referral activities, the licensed financial adviser and its representatives must not give advice or provide any recommendation on any product or service in relation to any non-financial advisory service to the client;
 - (iii) whether the licensed financial adviser or any of its directors or shareholders, is a substantial shareholder of the relevant person, and whether the licensed financial adviser has any other relationship with the

- relevant person or any person acting for or on behalf of the relevant person (as the case may be);
- (iv) whether the licensed financial adviser has any other actual or potential conflict of interest that may arise from carrying out referral activities for the client;
 - (v) whether or not the licensed financial adviser or any of its representatives is or will be remunerated by one or more relevant persons for carrying out referral activities;
 - (vi) where the licensed financial adviser or any of its representatives is or will be remunerated by one or more relevant persons, the amount of remuneration and the basis of remuneration received; and
 - (vii) such other information as the Authority may specify;
- (b) the licensed financial adviser must not, when making any referrals (whether through its representatives or otherwise), give advice or provide any recommendation on any product or service in relation to any non-financial advisory service to the client;
- (c) the licensed financial adviser must ensure effective controls and segregation of duties to mitigate actual or potential conflicts of interest that may arise from the licensed financial adviser carrying out referral activities;
- (d) the licensed financial adviser must ensure that its carrying out of referral activities does not cause any reputational damage to itself or the financial advisory industry, or both;
- (e) where —
- (i) a client in relation to whom the licensed financial adviser carries out referral activities enquires about any non-financial advisory service; and
 - (ii) the licensed financial adviser carries out referral activities for more than one relevant person,
- the licensed financial adviser (whether through any of its representatives or otherwise) must, with the consent of the

client, refer that client to every relevant person for which it carries out the referral activities;

- (f) the licensed financial adviser must not receive or deal with client's money or property in relation to referral activities;
- (g) the referral activities which the licensed financial adviser may carry out for a relevant person referred to in paragraph (2)(i) may only be those relating to that relevant person's business of providing will writing services, estate or tax planning services, or any combination of those services; and
- (h) the licensed financial adviser must do all of the following before the licensed financial adviser refers the client to a relevant person referred to in paragraph (2)(i):
 - (i) the licensed financial adviser must conduct due diligence to ensure that the relevant person providing the will writing services, estate or tax planning services, or any combination of those services, is competent and suitably qualified to do so;
 - (ii) the licensed financial adviser must provide a written document to the client which clearly sets out —
 - (A) which of the services that the licensed financial adviser provides are financial advisory services and which of the activities carried out by the licensed financial adviser are referral activities; and
 - (B) the role and responsibilities of the relevant person when providing will writing services, estate or tax planning services, or any combination of those services; and
 - (iii) the licensed financial adviser must obtain from the client a confirmation in writing that the client understands the written document referred to in sub-paragraph (ii).

(4) A licensed financial adviser may carry on, or may enter into any partnership, joint venture or any other arrangement with any person to carry on, the business of providing training and consultancy in respect of financial planning or financial literacy which are aimed at educating and empowering the public in Singapore (whether through any of its representatives or otherwise), subject to the following conditions:

- (a) where the training and consultancy relate to any investment, the product must be limited to investment products;
- (b) the licensed financial adviser must, when providing training or consultancy (whether through any of its representatives or otherwise), disclose in writing to every client whether any advice will be provided in the course of the training or consultancy.

(5) A licensed financial adviser may carry on, or may enter into any partnership, joint venture or any other arrangement with any person to carry on, the business of providing will writing services, estate or tax planning services, or any combination of those services (whether through any of its representatives or otherwise), subject to the condition that before the licensed financial adviser provides those services for a client —

- (a) the licensed financial adviser must conduct due diligence to ensure that every one of its representatives, officers or employees who provides those services, or any combination of those services, to the client, is competent and suitably qualified to do so;
- (b) the licensed financial adviser must provide a written document to the client which clearly sets out —
 - (i) which of the services that the licensed financial adviser provides are financial advisory services, and which of those services are will writing services, estate or tax planning services, or any combination of those services; and

(ii) the respective roles and responsibilities of the licensed financial adviser when providing financial advisory services, and will writing services, estate or tax planning services, or any combination of those services; and

(c) obtain from the client a confirmation in writing that the client understands the written document referred to in sub-paragraph (b).

(6) A licensed financial adviser must establish and maintain a register of its representatives, officers and employees that carry on any business referred to in paragraphs (2), (4) and (5).

(7) The revenue generated by the licensed financial adviser from carrying on any business referred to in paragraphs (2), (4) and (5) in a financial year must not exceed 5% of the licensed financial adviser's annual revenue derived from its provision of financial advisory services in the financial year, based on the audited financial statements of the licensed financial adviser for that financial year.

(8) For the purposes of paragraphs (2), (4) and (5), the licensed financial adviser must notify the Authority of its intention to commence carrying on any business referred to in paragraphs (2), (4) and (5), at least 14 days prior to the date of commencement.

[S 815/2015 wef 01/01/2016]

Prescribed criteria for consent under section 55C(2) of Act

40E. For the purposes of section 55C(2) of the Act, a financial adviser must not give its consent to an appointed representative or a provisional representative to engage in any of the acts referred to in section 55C(1) of the Act (called in this regulation the restricted act) unless the financial adviser is satisfied that —

(a) the engagement in the restricted act will not give rise to a conflict of interest for the representative;

(b) the engagement in the restricted act will not cause reputational damage to the financial adviser, or to the financial advisory industry, or to both;

- (c) the engagement in the restricted act is unlikely to result in the representative neglecting the representative's duties as the financial adviser's appointed representative or provisional representative, as the case may be;
- (d) the representative has, before engaging in the restricted act with or for a third party —
 - (i) informed the financial adviser that the representative intends to engage in the restricted acts with or for the third party; and
 - (ii) disclosed to the third party that the representative is an appointed representative or a provisional representative of the financial adviser;
- (e) the representative will not be engaging in any of the following acts:
 - (i) carrying on, or holding himself out in any way as carrying on, the business of moneylending or being concerned, engaged or employed in the business of moneylending;
 - (ii) organising, promoting or conducting a casino marketing arrangement in or with respect to any casino;
 - (iii) acting as an associate of an international market agent;
 - (iv) being concerned, engaged or employed in the business of an international market agent;
 - (v) being an applicant for an international market agent licence;
 - (vi) exercising or carrying on the business of an estate agent, or acting or holding himself out as an estate agent;
 - (vii) being concerned, engaged or employed in the business of an estate agent;

- (viii) acting or holding himself out as a salesperson for any licensed estate agent;
- (ix) marketing any investment that is not an investment product;
- (f) the representative will not invest in, or hold any interest in, any moneylending business or in any business of an international market agent or of an estate agent; and
- (g) it has in place, in a manner commensurate with the nature, scale and complexity of its business, the following:
 - (i) systems and controls to evaluate the criteria set out in paragraphs (a) to (f);
 - (ii) processes in place to maintain records of every evaluation carried out by the financial adviser in relation to any restricted act which its appointed representative or provisional representative engages in.

[S 815/2015 wef 01/01/2016]

Conditions for acting as representative despite other employment, business, etc.

40F. For the purposes of section 23B(1B) of the Act, a person (called in this regulation the specified person) may act as a representative or hold himself out as doing so despite being concurrently engaged in any of the activities set out in section 23B(1A)(a) or (b) of the Act (called in this regulation the specified activities) if the following conditions and requirements are complied with:

- (a) the specified person has informed the principal on whose behalf he intends to provide any financial advisory service (called in this regulation the proposed principal) of his engagement in the specified activities;
- (b) the specified person has obtained, from every person for whom the specified person engages in any of the specified activities, prior approval to be an appointed representative or a provisional representative, as the case may be, of the

proposed principal in respect of the financial advisory service provided by the proposed principal;

- (c) the engagement by the specified person in the specified activities will not —
 - (i) give rise to a conflict of interest for the specified person;
 - (ii) cause reputational damage to the proposed principal, or to the financial advisory industry, or to both; and
 - (iii) result in the specified person neglecting his duties as the proposed principal's appointed representative or provisional representative, as the case may be;
- (d) the specified person must not engage in any of the following acts:
 - (i) carrying on, or holding himself out in any way as carrying on, the business of moneylending or being concerned, engaged or employed in the business of moneylending;
 - (ii) organising, promoting or conducting any casino marketing arrangement in or with respect to any casino;
 - (iii) acting as an associate of an international market agent;
 - (iv) being concerned, engaged or employed in the business of an international market agent;
 - (v) being an applicant for an international market agent licence;
 - (vi) exercising or carrying on the business of an estate agent, or acting or holding himself out as an estate agent;
 - (vii) being concerned, engaged or employed in the business of an estate agent;
 - (viii) acting or holding himself out as a salesperson for any licensed estate agent;

- (ix) marketing any investment that is not an investment product;
- (e) the specified person will not invest in, or hold any interest in, any moneylending business or in any business of an international market agent or of an estate agent.

[S 815/2015 wef 01/01/2016]

Conditions for appointment of appointed representative or provisional representative despite section 23B(3A) of Act

40G. For the purposes of section 23B(3B) of the Act, a licensed financial adviser in Singapore or an exempt financial adviser in Singapore may, despite section 23B(3A) of the Act, appoint as its appointed representative or provisional representative an individual whom the financial adviser knows or has reasonable grounds to believe, is concurrently engaged in the activities set out in section 23B(1A) of the Act (called in this regulation the specified activities) if the licensed financial adviser or exempt financial adviser, as the case may be, is satisfied that —

- (a) the individual has obtained from every person for whom the individual engages in any of the specified activities, prior approval to be an appointed representative or a provisional representative of the licensed financial adviser or exempt financial adviser, as the case may be, in respect of any type of financial advisory service provided by the licensed financial adviser or exempt financial adviser, as the case may be;
- (b) the engagement in the specified activities by the individual —
 - (i) will not give rise to a conflict of interest for the individual;
 - (ii) will not cause reputational damage to the licensed financial adviser or exempt financial adviser, or to the financial advisory industry, or to any combination of them; and

- (iii) is unlikely to result in the individual neglecting his duties as the licensed financial adviser's or exempt financial adviser's appointed representative or provisional representative, as the case may be;
- (c) the individual will not engage in any of the following:
- (i) carrying on, or holding himself out in any way as carrying on, the business of moneylending or being concerned, engaged or employed in the business of moneylending;
 - (ii) organising, promoting or conducting a casino marketing arrangement in or with respect to any casino;
 - (iii) acting as an associate of an international market agent;
 - (iv) being concerned, engaged or employed in the business of an international market agent;
 - (v) being an applicant for an international market agent licence;
 - (vi) exercising or carrying on the business of an estate agent, or acting or holding himself out as an estate agent;
 - (vii) being concerned, engaged or employed in the business of an estate agent;
 - (viii) acting or holding himself out as a salesperson for any licensed estate agent;
 - (ix) marketing any investment that is not an investment product; and
- (d) the individual will not invest in, or hold any interest in, any moneylending business or in any business of an international market agent or of an estate agent.

[S 815/2015 wef 01/01/2016]

PART VII

MISCELLANEOUS

Compoundable offences

41. The following offences may be compounded by the Authority in accordance with section 89 of the Act:

- (a) any offence under the Act which is punishable by a fine only;
- (b) any offence under section 6(4), 23B(4), 23G(4), 33(5) or 36(8) of the Act; or

[S 76/2004 wef 24/02/2004]

[S 716/2010 wef 26/11/2010]

[S 166/2013 wef 28/03/2013]

- (c) any offence under section 84(1)(a) of the Act, where the non-compliance referred to in that section constitutes an offence which is compoundable under paragraph (a) or (b).

Acceptance of composition of offence

42.—(1) The Authority may compound an offence under section 89 of the Act only if the person reasonably suspected of having committed the offence —

- (a) accepts the offer of composition made by the Authority in writing, in the form set out on the Authority's website at <http://www.mas.gov.sg>; and

[S 493/2018 wef 14/08/2018]

- (b) pays the composition sum to the Authority,

within 14 days after the offer of composition is made or such longer period as the Authority may specify.

(2) Where the person referred to in paragraph (1) is not an individual, the acceptance of composition shall be made —

- (a) in the case of a body corporate, by an officer of that body corporate;
- (b) in the case of a partnership, by a partner of that partnership; or

(c) in the case of an unincorporated association (other than a partnership), by an officer of that association or a member of its governing body.

(3) In paragraph (2), “officer” has the same meaning as in section 83(5) of the Act.

Opportunity to be heard

43.—(1) Where the Act provides for a person to be given an opportunity to be heard by the Authority, the Authority shall post or deliver to that person a notice —

- (a) stating the decision it intends to make that affects him and the grounds for the decision; and
- (b) inviting him to give to the Authority, within such period as may be specified in the notice (not being less than 10 days from the date of the receipt of the notice), any written statement, accompanied by relevant supporting documents, as to why the Authority should reconsider the decision it intends to make.

(2) Any written statement referred to in paragraph (1)(b) shall be signed by the person to whom the opportunity to be heard is given, a duly authorised employee of that person, or an advocate and solicitor acting for that person.

(3) The Authority shall consider any written statement and supporting document referred to in paragraph (1)(b) in making its decision.

(4) In this regulation, “decision” includes any action of, direction by or order issued by the Authority under the Act.

44. [*Deleted by S 659/2018 wef 08/10/2018*]

45. [*Deleted by S 659/2018 wef 08/10/2018*]

FIRST SCHEDULE

[*Deleted by S 362/2005 wef 01/07/2005*]

SECOND SCHEDULE

Regulation 6(1)

FEES

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>	
<i>No.</i>	<i>Provision of Act</i>	<i>Matter</i>	<i>Amount</i>	<i>Manner and time of payment</i>
1.	Section 8(1)	Application for grant of financial adviser's licence	\$500	In the manner specified by the Authority, at time of application
2.	Section 14 (1)	Annual licence fee for financial adviser's licence	Amount derived from the formula: $\$2,000 + (5 \times A)$, where A is the total number of appointed and provisional representatives of the financial adviser as at 1 January of the calendar year concerned that is in excess of 100	(a) Where licensed financial adviser has no GIRO arrangement with the Authority, in the manner specified by the Authority, by the date specified in the fee advice (b) Where licensed financial adviser has GIRO arrangement with the Authority, by GIRO by the date specified by the Authority in the fee advice
3.	Section 16 (2)	Application to add type(s) of financial advisory service or type(s) of investment product to financial adviser's licence	\$250	By GIRO by the 16th day of the month following that in which application is made
3A.	Section 23A (1)	Annual fee for exempt financial adviser	Amount derived from the formula: $5 \times A$, where A is the total number of appointed and provisional representatives of the exempt financial adviser as at 1 January of the calendar year concerned that is in excess of 100	(a) Where exempt financial adviser has no GIRO arrangement with the Authority, in the manner specified by the

SECOND SCHEDULE — *continued*

<i>No.</i>	<i>First column Provision of Act</i>	<i>Second column Matter</i>	<i>Third column Amount</i>	<i>Fourth column Manner and time of payment</i>
				<p>Authority by the date specified in the fee advice</p> <p>(b) Where exempt financial adviser has GIRO arrangement with the Authority, by GIRO by the date specified by the Authority in the fee advice</p>
4.	Section 23H (1)	Lodgment of documents under section 23F of the Act for appointment of appointed or provisional representative	\$200	<p>(a) If principal is an applicant for financial adviser's licence, in the manner specified by the Authority, at time of application</p> <p>(b) If principal is a licensed financial adviser, and —</p> <p>(i) it has no GIRO arrangement with the Authority, in the manner specified by the Authority, by the date specified in the fee advice;</p>

SECOND SCHEDULE — *continued*

No.	First column Provision of Act	Second column Matter	Third column Amount	Fourth column Manner and time of payment
				(ii) it has GIRO arrangement with the Authority, by GIRO by the 16th day of the month following that in which lodgment is made
5.	Section 23H (2)	Annual fee for retention of name of appointed or provisional representative in public register of representatives in the year in which the name is first entered in the register*	Amount derived from the formula: $\frac{A}{365} \times 100$ where A is the number of days between the date the name is first entered in the register and 31st December of same year (both dates inclusive)	(a) Where principal has no GIRO arrangement with the Authority, in the manner specified by the Authority, by the date specified in the fee advice (b) Where principal has GIRO arrangement with the Authority, by GIRO by the 16th day of the month following that in which name is entered in the register
6.	Section 23H (2)	Annual fee for retention of name of appointed or provisional representative in public register of	\$100	(a) Where principal has no GIRO arrangement with the Authority, in the manner specified by the Authority, by

SECOND SCHEDULE — *continued*

No.	<i>First column</i> <i>Provision of Act</i>	<i>Second column</i> <i>Matter</i>	<i>Third column</i> <i>Amount</i>	<i>Fourth column</i> <i>Manner and time of payment</i>
		representatives in any other year		the date specified in the fee advice
				(b) Where principal has a GIRO arrangement with the Authority, by GIRO by the date specified by the Authority in the fee advice
7.	Section 23H (3)	Resubmission of a form for lodgment of documents under section 23F(1) of the Act for appointment of appointed or provisional representative	\$200	(a) If principal has no GIRO arrangement with the Authority, in the manner specified by the Authority, by the date specified in the fee advice (b) If principal has GIRO arrangement with the Authority, by GIRO by the 16th day of the month following that in which resubmission is made
8.	Section 63 (4)	Inspection of and extraction from records	\$20 per name submitted for inspection**	(a) Where the person has no GIRO arrangement with the Authority, in the manner specified by the Authority, by the date specified in the fee advice

SECOND SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>	
<i>No.</i>	<i>Provision of Act</i>	<i>Matter</i>	<i>Amount</i>	<i>Manner and time of payment</i>

(b) Where the person has a GIRO arrangement with the Authority, by GIRO by the 16th day of the month following that in which the request for inspection of and extraction from record is made

* For the avoidance of doubt, this fee is still required to be paid if the date on which the name is entered in the register is 31st December.

** This fee is inclusive of the goods and services tax chargeable under the Goods and Services Tax Act (Cap. 117A). No goods and services tax is chargeable for the other items.

[S 659/2018 wef 08/10/2018]

[S 521/2016 wef 01/11/2016]

[S 166/2013 wef 28/03/2013]

[S 716/2010 wef 26/11/2010]

THIRD SCHEDULE

[Deleted by S 493/2018 wef 14/08/2018]

FOURTH SCHEDULE

Regulation 40B

PART 1

REQUIREMENTS OF DIRECT PURCHASE INSURANCE PRODUCT

1. In this Part, unless the context otherwise requires —

“distribution expenses” means any expense incurred for the distribution of any DPI product;

FOURTH SCHEDULE — *continued*

“DPI product” means direct purchase insurance product;

“policy term” means the term of the DPI product or critical illness rider concerned;

“premium payment term” means the period during which premiums for the DPI product or critical illness rider concerned are payable;

“Term Life CI DPI” means a term life insurance product with a critical illness rider which is a DPI product;

“Term Life DPI” means a term life insurance product which is a DPI product;

“total and permanent disability” means —

(a) the life assured under the DPI product, due to accident or sickness, is disabled to such an extent as to be rendered totally unable to engage in any occupation, business or activity for income, remuneration or profit, and the disability —

(i) continues uninterrupted for a period of at least 6 consecutive months from the time when the disability started; and

(ii) in the view of a medical examiner appointed by the direct life insurer who offered the DPI product, is deemed permanent with no possibility of improvement in the foreseeable future; or

(b) the life assured under the DPI product, due to accident or sickness, suffers total and irrecoverable loss of use of —

(i) the entire sight in one or both eyes; or

(ii) any one or 2 limbs at or above the wrist or ankle;

“Whole Life CI DPI” means a whole life participating insurance product with a critical illness rider which is a DPI product;

“Whole Life DPI” means a whole life participating insurance product which is a DPI product.

2. The price of any DPI product must be determined by the direct life insurer offering the product, without taking into account any distribution expenses.

3. The premium rates payable for a DPI product must not be more than the premium rates payable for a life policy of the same type which is not a DPI product, but has similar benefits as those provided under the DPI product.

FOURTH SCHEDULE — *continued*

4. A DPI product which has the same premium rates as a life policy of the same type that is not a DPI product, must have benefits which are no less favourable than those provided under that life policy.

5. A Term Life DPI must have all of the following product features:

- (a) upon the death of the insured person or diagnosis that the insured person is suffering from a terminal illness:
 - (i) a lump sum benefit of 100% of the sum assured is payable; and
 - (ii) the Term Life DPI terminates after the payment of the sum referred to in sub-paragraph (i);
- (b) if the insured person is diagnosed with total and permanent disability before attaining a particular age specified by the direct life insurer, being more than 64 years old but less than 66 years old —
 - (i) a lump sum benefit of 100% of the sum assured, subject to a cap imposed by the direct life insurer (if any) is payable; and
 - (ii) in a case —
 - (A) where the sum assured is less than or equal to the cap referred to in sub-paragraph (i), the Term Life DPI terminates after the payment of the lump sum benefit referred to in sub-paragraph (i); or
 - (B) where the sum assured is more than the cap referred to in sub-paragraph (i), the excess, being the difference between the sum assured and the cap, is payable according to the direct life insurer's usual practice;
- (c) there are no policy moneys payable when the Term Life DPI is surrendered;
- (d) no commission or distribution expenses are payable by the direct life insurer to any distributor of the Term Life DPI in connection with the sale of the Term Life DPI;
- (e) the Term Life DPI must comply with all of the following:
 - (i) its premium payment term and policy term are both identical, and the term is one of the terms set out in the first column of the following table;
 - (ii) its renewability is in accordance with the terms set out opposite its premium payment term and policy term in the second column of the table;

FOURTH SCHEDULE — *continued*

(iii) it may only be purchased by a person who is —

- (A) not younger than the minimum entry age set out opposite its premium payment term and policy term in the third column of the table; and
- (B) not older than the maximum entry age set out opposite its premium payment term and policy term in the fourth column of the table:

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Premium payment term and policy term</i>	<i>Renewability</i>	<i>Minimum entry age</i>	<i>Maximum entry age</i>
5 years	The Term Life DPI is renewable, subject to the following: <ul style="list-style-type: none"> (a) the coverage of the policy must not extend beyond the date on which the insured person attains a particular age specified by the direct life insurer, being more than 84 years old but less than 86 years old; (b) the Term Life DPI is not renewable by the insured person after he or she attains a particular age specified by 	18 years old	A particular age specified by the direct life insurer, being more than 64 years old but less than 66 years old

FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Premium payment term and policy term</i>	<i>Renewability</i>	<i>Minimum entry age</i>	<i>Maximum entry age</i>
	the direct life insurer, being more than 79 years old but less than 81 years old		
20 years	The Term Life DPI is not renewable	18 years old	A particular age specified by the direct life insurer, being more than 64 years old but less than 66 years old
The duration between the time when the Term Life DPI is purchased until the insured person attains a particular age specified by the direct life insurer, being more than 64 years old but less than 66 years old	The Term Life DPI is not renewable	18 years old	A particular age specified by the direct life insurer, being more than 59 years old but less than 61 years old;

- (f) the Term Life DPI must have a minimum sum assured of \$50,000, and a maximum sum assured of \$400,000, and the Term Life DPI must not result in the aggregate of the sums assured under all the Term Life DPIs issued by the direct life insurer for the insured person, exceeding \$400,000;

FOURTH SCHEDULE — *continued*

- (g) the Term Life DPI must not result in the aggregate of the sums assured under all Term Life DPIs and Whole Life DPIs issued by the direct life insurer for the insured person, exceeding \$400,000;
- (h) the direct life insurer offering the Term Life DPI may offer a discount on the premiums payable in respect of the Term Life DPI based on the sum assured;
- (i) at the time of the purchase of the Term Life DPI, the policy owner and the insured person must be the same person;
- (j) the Term Life DPI must only have one insured person;
- (k) the benefits of the Term Life DPI may be assigned to a person, other than the insured person;
- (l) the premium payable is the same throughout the premium payment term and the direct life insurer guarantees that the amount of premium payable will not be changed subsequently during the premium payment term;
- (m) without prejudice to sub-paragraph (l), the premiums payable in respect of the Term Life DPI may be collected on a monthly, quarterly, half-yearly or yearly basis;
- (n) only a critical illness rider with all of the following product features may be attached to the Term Life DPI:
 - (i) the critical illness rider must confer the following benefits:
 - (A) a critical illness benefit which covers all of the critical illnesses listed in Part 2 of this Schedule;
 - (B) if the insured person of the critical illness rider is diagnosed with any of the critical illnesses listed in Part 2 of this Schedule (other than an illness referred to in sub-paragraph (C)), a lump sum benefit of 100% of the sum assured of the critical illness rider is payable, and such payment is an accelerated payment of all of the sum assured of the critical illness rider;
 - (C) if the insured person of the critical illness rider is diagnosed with an illness which requires angioplasty or other invasive treatment for coronary artery, a lump sum benefit of 10% of the sum assured of the critical illness rider is payable, subject to a maximum amount of \$25,000, and such payment is an accelerated payment of part of the sum assured of the critical illness rider;

FOURTH SCHEDULE — *continued*

- (ii) the critical illness rider must comply with all of the following:
- (A) its premium payment term and policy term are both identical, and the term is one of the terms set out in the first column of the following table;
 - (B) its renewability is in accordance with the terms set out opposite its premium payment term and policy term in the second column of the table;
 - (C) it may only be purchased by a person who is —
 - (CA) not younger than the minimum entry age set out opposite its premium payment term and policy term in the third column of the table; and
 - (CB) not older than the maximum entry age set out opposite its premium payment term and policy term in the fourth column of the table:

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Premium payment term and policy term</i>	<i>Renewability</i>	<i>Minimum entry age</i>	<i>Maximum entry age</i>
5 years	The critical illness rider is renewable, subject to the following: <ul style="list-style-type: none"> (a) the coverage of the policy must not extend beyond the date on which the insured person attains a particular age specified by the direct life insurer, being more than 64 years old but less 	18 years old	A particular age specified by the direct life insurer, being more than 59 years old but less than 61 years old

FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Premium payment term and policy term</i>	<i>Renewability</i>	<i>Minimum entry age</i>	<i>Maximum entry age</i>
	<p>than 66 years old;</p> <p>(b) the Term Life DPI is not renewable by the insured person after he or she attains a particular age specified by the direct life insurer, being more than 59 years old but less than 61 years old</p>		
20 years	The critical illness rider is not renewable	18 years old	A particular age specified by the direct life insurer, being more than 44 years old but less than 46 years old
The duration between the time when the critical illness rider is purchased until the insured person attains a particular age specified by the direct life insurer, being more than 64 years old but less than 66 years old	The critical illness rider is not renewable	18 years old	A particular age specified by the direct life insurer, being more than 59 years old but less than 61 years old;

FOURTH SCHEDULE — *continued*

- (iii) the premium payable is the same throughout the premium payment term of the critical illness rider, unless the terms of the critical illness rider expressly provide that the direct life insurer may vary the premium payable during the premium payment term.

6. A Term Life CI DPI —

- (a) must have all the product features referred to in paragraph 5(d), (f), (g), (h), (i), (j), (k) and (m), with each reference to Term Life DPI in those provisions replaced with a reference to Term Life CI DPI; and
- (b) must confer the benefits referred to in paragraph 5(n)(i), (ii) and (iii), with each reference to critical illness rider in those provisions replaced with a reference to Term Life CI DPI.

7. A Whole Life DPI must have all of the following product features:

- (a) upon the death of the insured person or diagnosis that the insured person is suffering from a terminal illness —
 - (i) a lump sum benefit comprising all of the following is payable:
 - (A) the sum assured;
 - (B) the accumulated reversionary bonus (if any);
 - (C) the non-guaranteed terminal bonus; and
 - (ii) the Whole Life DPI terminates after the payment of the sum referred to in sub-paragraph (i);
- (b) if the insured person is diagnosed with total and permanent disability before attaining a particular age specified by the direct life insurer, being more than 64 years old but less than 66 years old —
 - (i) a lump sum benefit comprising all of the following is payable, subject to a cap imposed by the direct life insurer (if any):
 - (A) the sum assured;
 - (B) the accumulated reversionary bonus (if any);
 - (C) the non-guaranteed terminal bonus; and
 - (ii) in a case —
 - (A) where the sum assured is less than or equal to the cap referred to in sub-paragraph (i), the Whole Life DPI terminates after the payment of the lump sum benefit referred to in sub-paragraph (i); or

FOURTH SCHEDULE — *continued*

- (B) where the sum assured is more than the cap referred to in sub-paragraph (i), the excess, being the difference between the sum assured and the cap, is payable according to the direct life insurer's usual practice;
- (c) policy moneys comprising all of the following are payable when the Whole Life DPI is surrendered:
 - (i) the guaranteed surrender value;
 - (ii) the surrender value on the accumulated reversionary bonuses (if any);
 - (iii) the surrender value on the non-guaranteed terminal bonus;
- (d) no commission or distribution expenses are payable by the direct life insurer to any distributor of the Whole Life DPI in connection with the sale of the Whole Life DPI;
- (e) the reversionary bonus and terminal bonus payable under the Whole Life DPI will be determined by the direct life insurer;
- (f) the Whole Life DPI must comply with all of the following:
 - (i) its premium payment term is one of the terms set out in the first column of the following table;
 - (ii) it may only be purchased by a person who is —
 - (A) not younger than the minimum entry age set out opposite its premium payment term in the second column of the table; and
 - (B) not older than the maximum entry age set out opposite its premium payment term in the third column of the table:

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Premium payment term</i>	<i>Minimum entry age</i>	<i>Maximum entry age</i>
The duration between the time when the Whole Life DPI is purchased until the insured person attains a particular age specified by the direct life insurer, being more than 69 years old but less than 71 years old	18 years old	A particular age specified by the direct life insurer, being more than 59 years old but less than 61 years old

FOURTH SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Premium payment term</i>	<i>Minimum entry age</i>	<i>Maximum entry age</i>
The duration between the time when the Whole Life DPI is purchased until the insured person attains a particular age specified by the direct life insurer, being more than 84 years old but less than 86 years old	18 years old	A particular age specified by the direct life insurer, being more than 64 years old but less than 66 years old;

- (g) the Whole Life DPI must have a minimum sum assured of \$50,000, and a maximum sum assured of \$200,000, and the Whole Life DPI must not result in the aggregate of the sums assured under all the Whole Life DPIs issued by the direct life insurer for the insured person, exceeding \$200,000;
- (h) the Whole Life DPI must not result in the aggregate of the sums assured under all Term Life DPIs and Whole Life DPIs issued by the direct life insurer for the insured person, exceeding \$400,000;
- (i) the direct life insurer offering the Whole Life DPI may offer a discount on the premiums payable in respect of the Whole Life DPI based on the sum assured;
- (j) at the time of the purchase of the Whole Life DPI, the policy owner and the insured person must be the same person;
- (k) the Whole Life DPI must only have one insured person;
- (l) the benefits of the Whole Life DPI may be assigned to a person, other than the insured person;
- (m) a policy owner may take out a loan from the direct life insurer in relation to the Whole Life DPI;
- (n) the Whole Life DPI does not have any option to be converted into an annuity for life;
- (o) the premium payable in respect of the Whole Life DPI is the same throughout the premium payment term and the direct life insurer guarantees that the amount of premium payable will not be changed subsequently during the premium payment term;

FOURTH SCHEDULE — *continued*

- (p) without prejudice to sub-paragraph (o), the premiums payable in respect of the Whole Life DPI may be collected on a monthly, quarterly, half-yearly or yearly basis;
- (q) only a critical illness rider with all of the following product features may be attached to the Term Life DPI:
 - (i) the critical illness rider must confer the following benefits:
 - (A) a critical illness benefit which covers all of the critical illnesses listed in Part 2 of this Schedule;
 - (B) if the insured person of the critical illness rider is diagnosed with any of the critical illnesses listed in Part 2 of this Schedule (other than an illness referred to in sub-paragraph (C)), a lump sum benefit of 100% of the sum assured of the critical illness rider is payable, and such payment is an accelerated payment of all of the sum assured of the critical illness rider;
 - (C) if the insured person of the critical illness rider is diagnosed with an illness which requires angioplasty or other invasive treatment for coronary artery, a lump sum benefit of 10% of the sum assured of the critical illness rider is payable, subject to a maximum amount of \$25,000, and such payment is an accelerated payment of part of the sum assured of the critical illness rider;
 - (ii) the premium payable is the same throughout the premium payment term of the critical illness rider, unless the terms of the critical illness rider expressly provide that the direct life insurer may vary the premium payable during the premium payment term.

8. A Whole Life CI DPI —

- (a) must have all the product features referred to in paragraph 7(d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n) and (p), with each reference to Whole Life DPI in those provisions replaced with a reference to Whole Life CI DPI; and
- (b) must confer the benefits referred to in paragraph 7(q)(i) and (ii), with each reference to critical illness rider in those provisions replaced with a reference to Whole Life CI DPI.

FOURTH SCHEDULE — *continued*

PART 2

CRITICAL ILLNESSES

1. For the purposes of paragraphs 5(*n*) and 7(*q*) of Part 1, the critical illnesses are —

- (*a*) Major cancers;
- (*b*) Heart attack of specified severity;
- (*c*) Stroke;
- (*d*) Coronary artery by-pass surgery;
- (*e*) Kidney failure;
- (*f*) Aplastic Anaemia;
- (*g*) End stage lung disease;
- (*h*) End stage liver failure;
- (*i*) Coma;
- (*j*) Deafness (loss of hearing);
- (*k*) Heart valve surgery;
- (*l*) Loss of speech;
- (*m*) Major burns;
- (*n*) Major organ, or bone marrow transplantation;
- (*o*) Multiple sclerosis;
- (*p*) Muscular dystrophy;
- (*q*) Parkinson's disease;
- (*r*) Surgery to aorta;
- (*s*) Alzheimer's disease or severe dementia;
- (*t*) Fulminant hepatitis;
- (*u*) Motor neurone disease;
- (*v*) Primary pulmonary hypertension;
- (*w*) HIV due to blood transfusion and occupationally acquired HIV;
- (*x*) Benign brain tumour;
- (*y*) Viral encephalitis;
- (*z*) Bacterial meningitis;

FOURTH SCHEDULE — *continued*

- (za) Angioplasty or other invasive treatment for coronary artery;
- (zb) Blindness (loss of sight);
- (zc) Major head trauma; and
- (zd) Paralysis (loss of use of limbs).

2. For the purposes of paragraph 1, the critical illnesses have the same meaning as in the “LIA (Life Insurance Association) Critical Illness (CI) Framework 2014 — Standard definitions for severe stage of 37 critical illnesses”, which is published on the Life Insurance Association Singapore’s Internet website at <http://www.lia.org.sg>.

[S 169/2015 wef 31/03/2015]

FIFTH SCHEDULE

Regulation 33A(8)

LISTED EXCLUDED INVESTMENT PRODUCTS

1. For the purpose of regulation 33A, a listed excluded investment product is any of the following investment products approved in-principle for listing and quotation on, or listed for quotation or quoted on, any approved exchange or overseas exchange:

- (a) any stocks or shares issued or proposed to be issued by a corporation or body unincorporate (other than a corporation or body unincorporate that is a collective investment scheme);
- (b) any unit of a share that represents a unitholder’s ownership in an underlying share, where —
 - (i) the underlying share is held on trust for the unitholder by a custodian; and
 - (ii) the unitholder is not obliged to pay any consideration for the purpose of converting the unit into the underlying share, other than administrative fees for the conversion;
- (c) any exchange-traded derivatives contract issued or proposed to be issued by a corporation or unincorporated body, the value of which is determined by reference to, is derived from, or varies by reference to —
 - (i) the value or amount of the shares of the corporation or unincorporated body, as the case may be; or

FIFTH SCHEDULE — *continued*

- (ii) fluctuations in the values or amounts of the shares of the corporation or unincorporated body, as the case may be;

[S 659/2018 wef 08/10/2018]

- (ca) any exchange-traded derivatives contract the value of which is determined by reference to, is derived from, or varies by reference to —

- (i) the value or amount of units in a business trust; or

- (ii) fluctuations in the values or amounts of units in a business trust;

[S 659/2018 wef 08/10/2018]

- (d) any unit in a business trust;

- (e) any unit in a real estate investment trust;

[S 659/2018 wef 08/10/2018]

- (f) *[Deleted by S 659/2018 wef 08/10/2018]*

- (g) any unit in a collective investment scheme in the circumstances mentioned in paragraph 2;

- (h) any debenture other than —

- (i) asset-backed securities; or

- (ii) structured notes;

- (i) any 2 or more of the investment products mentioned in sub-paragraphs (a) to (h) that are linked together in a stapled manner such that any such investment product is not transferable and cannot be otherwise dealt with independent of the remaining investment products.

[S 659/2018 wef 08/10/2018]

[S 659/2018 wef 08/10/2018]

- 2. For the purpose of paragraph 1(g), the circumstances are all of the following:

- (a) the CIS documents of the collective investment scheme require that the manager of the scheme must not engage in any securities lending transaction or securities repurchase transaction in relation to the scheme, except where —

- (i) the securities lending transaction or securities repurchase transaction (as the case may be) is carried out for the sole purpose of efficient portfolio management; and

FIFTH SCHEDULE — *continued*

- (ii) the total value of securities subject to all the securities lending transactions and securities repurchase transactions entered into by the manager does not exceed 50% of the net asset value of the scheme at any time,

and the manager complies with the requirement;

- (b) the CIS documents of the collective investment scheme require that the manager of the scheme must —

- (i) invest the property of the scheme only in one or more of the following:

- (A) deposits as defined in section 4B(4) of the Banking Act (Cap. 19);
- (B) gold certificates, gold savings accounts or physical gold;
- (C) any investment product mentioned in paragraph 1(a) to (i);

[S 659/2018 wef 08/10/2018]

- (D) any contract or arrangement under which one party agrees to exchange currency at an agreed rate of exchange with another party, and such currency exchange is effected immediately after the contract or arrangement, as the case may be, is entered into;
- (E) any product, instrument, contract or arrangement (other than the investment products mentioned in paragraph 1(a) to (i)) if the investment in such product, instrument, contract or arrangement is solely for the purpose of hedging or efficient portfolio management; or

[S 659/2018 wef 08/10/2018]

- (ii) invest the property of the scheme as follows:

- (A) only in one or more products, instruments, contracts or arrangements mentioned in sub-paragraph (i); but
- (B) may invest in some other product, instrument, contract or arrangement if —
 - (BA) there is any change in any written law, regulation, direction, rule or non-statutory instrument of the jurisdiction where the scheme is constituted, operating or investing; and

FIFTH SCHEDULE — *continued*

(BB) following such change, the manager is restricted or prohibited from investing in any of the products, instruments, contracts or arrangements mentioned in sub-paragraph (i),

and, in the case of either sub-paragraph (i) or (ii), the manager invests the property of the scheme only in one or more of the products, instruments, contracts or arrangements mentioned in sub-paragraph (i).

3. Where, under paragraph 2, the manager of the collective investment scheme invests the property of the scheme in any product, instrument, contract or arrangement not mentioned in paragraph 2(b)(i), whether or not in accordance with a requirement mentioned in paragraph 2(b)(ii)(B), then the unit in the CIS ceases to be a listed excluded investment product with effect from the date of the investment.

4. In this Schedule, unless the context otherwise requires —

“asset-backed securities” has the same meaning as in section 262(3) of the Securities and Futures Act (Cap. 289);

“business trust” has the same meaning as in section 2 of the Business Trusts Act (Cap. 31A);

“CIS documents”, in relation to a collective investment scheme, means —

- (a) the constitutive documents of the collective investment scheme;
- (b) the prospectus issued in connection with an offer of units in the collective investment scheme; or
- (c) any other document issued in connection with an offer of units in the collective investment scheme that does not need to be made in or be accompanied by a prospectus under section 296 of the Securities and Futures Act;

“Code on Collective Investment Schemes” means the Code on Collective Investment Schemes issued under section 284 of the Securities and Futures Act;

[Deleted by S 659/2018 wef 08/10/2018]

“structured notes” has the same meaning as in regulation 2(1) of the Securities and Futures (Offers of Investments) (Shares and Debentures) Regulations 2005 (G.N. No. S 611/2005);

FIFTH SCHEDULE — *continued*

“unit” —

- (a) for the purposes of paragraph 1(b), has the same meaning as in section 239(1) of the Securities and Futures Act; and
- (b) for the purposes of paragraph 1(d), (e), (f) and (g), has the same meaning as in section 2(1) of the Securities and Futures Act.

[S 113/2017 wef 01/04/2017]

SIXTH SCHEDULE

Regulation 22(3) to (6)

PRODUCT ADVERTISEMENT

1. For the purposes of regulation 22(3), each of the following product advertisements is false or misleading:

- (a) a product advertisement that omits any material information and as a result of which, the product advertisement or any part of the product advertisement is false or misleading;
- (b) a product advertisement that contains a false or misleading statement;
- (c) a product advertisement that contains information that cannot be justified based on the facts known to the person who disseminated or published the product advertisement, or caused the product advertisement to be disseminated or published;
- (d) a product advertisement that contains any information, in text or otherwise, that is inaccurate or inconsistent with the nature or risks of the investment product to which it relates;
- (e) a product advertisement that contains any exaggerated statement which is calculated to exploit an individual’s lack of experience and knowledge;
- (f) a product advertisement that contains information which is inconsistent with any information provided by the issuer of the investment product (to which the product advertisement relates) to the person who disseminated or published the product advertisement, or caused the product advertisement to be disseminated or published;
- (g) a product advertisement that contains or refers to any graph, chart, formula or other device and represents directly or indirectly, that —
 - (i) the graph, chart, formula or device (as the case may be) can, in and of itself, be used to determine which investment product to buy or sell, or when to buy or sell the investment product; or

SIXTH SCHEDULE — *continued*

- (ii) the graph, chart, formula or device (as the case may be) will assist any person in deciding which investment product to buy or sell, or when to buy or sell the investment product,

but does not prominently disclose the limitations, and difficulties in respect of the use, of the graph, chart, formula or device, as the case may be;

- (h) a product advertisement that contains any statement to the effect that any report, analysis or other service will be furnished free or without charge, and such report, analysis or service is not in fact or will not in fact be furnished in its entirety without any condition or obligation.

2. For the purposes of regulation 22(4), each of the following product advertisements does not provide a fair and balanced view of the investment product to which it relates:

- (a) a product advertisement that contains a statement on any return of the principal sum invested in the investment product to which the product advertisement relates, or benefit of holding that investment product, but —
 - (i) does not provide an unbiased description of risks associated with the investment product; or
 - (ii) does not give a proportionate level of prominence to any warning, disclaimer or qualification which is disclosed in relation to that statement;
- (b) an advertisement that is in respect of an investment product that is structured with the objective of returning the full principal sum invested in the investment product to a holder of the investment product upon the maturity of the investment product, but where the return of the full principal sum invested in the investment product at maturity is not unconditionally guaranteed, and the product advertisement does not contain a statement which clearly highlights the fact that the return of the full principal sum invested in the investment product at maturity is not unconditionally guaranteed;
- (c) a product advertisement that contains a representation that the return of all or a part of the principal sum invested in the investment product to which the product advertisement relates, or the rate of return on the investment product is guaranteed, but —
 - (i) does not state the name of the guarantor; or
 - (ii) does not contain a statement that clearly highlights that while there is a guarantor who guarantees the return of all or a part of

SIXTH SCHEDULE — *continued*

the principal sum invested in the investment product, or the rate of return on the investment product, there is no assurance that the guarantor will be able to fulfil its obligations under such guarantee;

- (d) a product advertisement that contains historical information on the investment product to which the product advertisement relates, but does not contain a statement that the information presented is historical information and that the past performance of the investment product is not indicative of its future performance;
- (e) a product advertisement that gives the impression that an investor can profit from investing in the investment product without any risk;
- (f) a product advertisement that suggests that the nature of the investment product is, or is comparable to, a deposit;
- (g) an advertisement that is in respect of an investment product of which the return of the principal sum invested in the investment product or the rate of return on the investment product is not guaranteed, but suggests that any of the following risks is low or nil:
 - (i) the risk of the holder of the investment product losing the holder's principal sum invested;
 - (ii) the risk of the holder of the investment product not achieving the stated, targeted or expected rate of return of the holder's principal sum invested.

3. For the purposes of regulation 22(5), each of the following product advertisements does not present information in a clear manner:

- (a) a product advertisement that presents information (including information in footnotes) in a manner that is not easily understood by —
 - (i) in a case where the product advertisement states the class of persons for whom the product advertisement is intended, a reasonable person belonging to that class of persons; and
 - (ii) in any other case, a reasonable person who may rely on the product advertisement;
- (b) a product advertisement that contains any jargon or technical term, but does not define or explain such jargon or term in a manner that is easily understood by —

SIXTH SCHEDULE — *continued*

- (i) in a case where the product advertisement states the class of persons for whom the product advertisement is intended, a reasonable person belonging to that class of persons; and
- (ii) in any other case, a reasonable person who may rely on the product advertisement.

4. For the purposes of regulation 22(6), each of the following product advertisements is not clearly legible:

- (a) a product advertisement that appears in any document in written or printed form, including any newspaper, periodical, magazine or letter, which —
 - (i) presents information in a font size that is smaller than 10-point Times New Roman, or any other standard font type that is visually equivalent to that font size; or
 - (ii) presents information in any footnote in a font size that is smaller than —
 - (A) where the font size of the word or statement to which the footnote relates is or is smaller than 20-point Times New Roman or any other standard font type that is visually equivalent to that font size — 10-point Times New Roman or any other standard font type that is visually equivalent to that font size;
 - (B) where the font size of the word or statement to which the footnote relates is larger than 20-point Times New Roman or any other standard font type that is visually equivalent to that font size but smaller than 29-point Times New Roman or any other standard font type that is visually equivalent to that font size — half the font size of that word or statement; or
 - (C) where the font size of the word or statement to which the footnote relates is or is larger than 29-point Times New Roman or any other standard font type that is visually equivalent to that font size — 14-point Times New Roman or any other standard font type that is visually equivalent to that font size;
- (b) a product advertisement that appears in a form, other than a document mentioned in sub-paragraph (a), which presents information in any footnote in a font size that is smaller than half the font size of the word or statement to which the footnote relates.

SIXTH SCHEDULE — *continued*

5. In this Schedule, unless the context otherwise requires —

“bank” means a bank in Singapore or a merchant bank;

“bank in Singapore” has the same meaning as in section 2(1) of the Banking Act (Cap. 19);

“deposit” means —

(a) where the deposit is accepted by a bank, a deposit as defined in section 4B(4) of the Banking Act; or

(b) where the deposit is accepted by a finance company, a deposit as defined in section 2 of the Finance Companies Act (Cap. 108);

“finance company” has the same meaning as in section 2 of the Finance Companies Act;

“merchant bank” means a merchant bank that is approved as a financial institution under section 28 of the Monetary Authority of Singapore Act (Cap. 186).

[S 385/2018 wef 09/07/2018]

[G.N. Nos. S 462/2002; S 83/2003; S 537/2003]

LEGISLATIVE HISTORY
FINANCIAL ADVISERS REGULATIONS
(CHAPTER 110, RG 2)

This Legislative History is provided for the convenience of users of the Financial Advisers Regulations. It is not part of these Regulations.

- 1. G. N. No. S 462/2002 — Financial Advisers Regulations 2002**
Date of commencement : 1 October 2002
- 2. G. N. No. S 83/2003 — Financial Advisers (Amendment) Regulations 2003**
Date of commencement : 24 February 2003
- 3. G. N. No. S 537/2003 — Financial Advisers (Amendment No. 2) Regulations 2003**
Date of commencement : 22 December 2003
- 4. G. N. No. S 76/2004 — Financial Advisers (Amendment) Regulations 2004**
Date of commencement : 24 February 2004
- 5. 2004 Revised Edition — Financial Advisers Regulations**
Date of operation : 29 February 2004
- 6. G. N. No. S 692/2004 — Financial Advisers (Amendment No. 2) Regulations 2004**
Date of commencement : 18 November 2004
- 7. G. N. No. S 362/2005 — Financial Advisers (Amendment) Regulations 2005**
Date of commencement : 1 July 2005
- 8. G. N. No. S 58/2007 — Financial Advisers (Amendment) Regulations 2007**
Date of commencement : 1 March 2007
- 9. G. N. No. S 274/2008 — Financial Advisers (Amendment) Regulations 2008**
Date of commencement : 28 May 2008
- 10. G. N. No. S 716/2010 — Financial Advisers (Amendment) Regulations 2010**
Date of commencement : 26 November 2010

11. G.N. No. S 433/2011 — Financial Advisers (Amendment) Regulations 2011

Date of commencement : 28 July 2011

12. G.N. No. S 383/2012 — Financial Advisers (Amendment) Regulations 2012

Date of commencement : 7 August 2012

13. G.N. No. S 166/2013 — Financial Advisers (Amendment) Regulations 2013

Date of commencement : 28 March 2013

14. G.N. No. S 169/2015 — Financial Advisers (Amendment) Regulations 2015

Date of commencement : 31 March 2015

15. G.N. No. S 394/2015 — Financial Advisers (Amendment No. 2) Regulations 2015

Date of commencement : 1 July 2015

16. G.N. No. S 815/2015 — Financial Advisers (Amendment No. 3) Regulations 2015

Date of commencement : 1 January 2016

17. G.N. No. S 521/2016 — Financial Advisers (Amendment) Regulations 2016

Date of commencement : 1 November 2016

18. G.N. No. S 113/2017 — Financial Advisers (Amendment) Regulations 2017

Date of commencement : 1 April 2017

19. G.N. No. S 586/2017 — Financial Advisers (Amendment No. 2) Regulations 2017

Date of commencement : 20 October 2017

20. G.N. No. S 385/2018 — Financial Advisers (Amendment) Regulations 2018

Date of commencement : 9 July 2018

21. G.N. No. S 493/2018 — Financial Advisers (Amendment No. 3) Regulations 2018

Date of commencement : 14 August 2018

**22. G.N. No. S 659/2018 — Financial Advisers (Amendment No. 4)
Regulations 2018**

Date of commencement : 8 October 2018

**23. G. N. No. S 294/2019 — Financial Advisers (Amendment No. 3)
Regulations 2019**

Date of commencement : 8 October 2018