

**FINANCIAL ADVISERS ACT
(CHAPTER 110, SECTIONS 2(1) (DEFINITION OF
“INVESTMENT PRODUCT”), 100(1) AND 104)**

**FINANCIAL ADVISERS (STRUCTURED
DEPOSITS — PRESCRIBED INVESTMENT PRODUCT AND
EXEMPTION) REGULATIONS**

ARRANGEMENT OF REGULATIONS

Regulation

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[2nd December 2005]

Citation

1. These Regulations may be cited as the Financial Advisers (Structured Deposits — Prescribed Investment Product and Exemption) Regulations.

Definitions

- 2.** In these Regulations, 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);
 - “credit derivative” means a financial contract which is designed to transfer credit risk on loans or other assets between 2 parties;
 - “credit event”, in relation to a credit derivative, means any event agreed upon between the contracting parties to the credit derivative which triggers a payout or delivery of assets under the credit derivative;

“deposit” means —

- (a) a deposit as defined in section 4B of the Banking Act (Cap. 19), in a case where the deposit is accepted by a bank; or
- (b) a deposit as defined in section 2 of the Finance Companies Act (Cap. 108), in a case where the deposit is accepted by a finance company as defined in that section of that Act;

“dual currency investment” means a deposit which is accepted in one currency and which may be repayable in another currency;

“merchant bank” means a merchant bank approved under section 28 of the Monetary Authority of Singapore Act (Cap. 186);

“structured deposit” means —

- (a) a deposit under which any interest or premium is payable, or is at risk, in accordance with a formula which is based on —
 - (i) the performance of any financial instrument or specified products as defined in section 2(1) of the Securities and Futures Act (Cap. 289); or
[S 169/2020 wef 16/03/2020]
 - (ii) the occurrence of any credit event in respect of a credit derivative —
 - (A) to which the bank or the finance company, as the case may be, is a contracting party; or
 - (B) from which the bank or the finance company, as the case may be, would enjoy a benefit or incur a loss; or

- (b) a dual currency investment.

Prescribed investment product

3. For the purposes of the definition of “investment product” in section 2(1) of the Act, the Authority hereby prescribes every structured deposit as an investment product.

Exemption

4. Any person who is —

(a) a licensed financial adviser;

[S 718/2010 wef 26/11/2010]

(b) an exempt financial adviser; or

(c) a representative of a licensed financial adviser or of an exempt financial adviser,

[S 718/2010 wef 26/11/2010]

shall be exempted from complying with —

(i) section 25 of the Act, in relation to the provision of any financial advisory service relating to any structured deposit (other than a dual currency investment) which has been prescribed under section 25(6) (definition of “designated investment product”) of the Act as a designated investment product; and

(ii) sections 26 to 29 and 36 of the Act, in relation to the provision of any financial advisory service relating to any structured deposit (other than a dual currency investment).

[G.N. No. S 775/2005]

LEGISLATIVE HISTORY
FINANCIAL ADVISERS (STRUCTURED
DEPOSITS — PRESCRIBED INVESTMENT PRODUCT AND
EXEMPTION) REGULATIONS
(CHAPTER 110, RG 7)

This Legislative History is provided for the convenience of users of the Financial Advisers (Structured Deposits — Prescribed Investment Product and Exemption) Regulations. It is not part of these Regulations.

1. G. N. No. S 775/2005 — Financial Advisers (Structured Deposits — Prescribed Investment Product and Exemption) Regulations 2005

Date of commencement : 2 December 2005

2. 2007 Revised Edition — Financial Advisers (Structured Deposits — Prescribed Investment Product and Exemption) Regulations

Date of operation : 2 July 2007

3. G. N. No. S 718/2010 — Financial Advisers (Structured Deposits — Prescribed Investment Product and Exemption) (Amendment) Regulations 2010

Date of commencement : 26 November 2010

4. G.N. No. S 169/2020 — Financial Advisers (Structured Deposits & Prescribed Investment Product and Exemption) (Amendment) Regulations 2020

Date of commencement : 16 March 2020