



21 Januari 2022
21 January 2022
P.U. (A) 15

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN PASARAN MODAL DAN
PERKHIDMATAN (INDUSTRI SKIM PERSARAAN
SWASTA) (PINDAAN) 2022

*CAPITAL MARKETS AND SERVICES
(PRIVATE RETIREMENT SCHEME INDUSTRY)
(AMENDMENT) REGULATIONS 2022*

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AKTA PASARAN MODAL DAN PERKHIDMATAN 2007

PERATURAN-PERATURAN PASARAN MODAL DAN PERKHIDMATAN
(INDUSTRI SKIM PERSARAAN SWASTA) (PINDAAN) 2022

PADA menjalankan kuasa yang diberikan oleh seksyen 139ZI Akta Pasaran Modal dan Perkhidmatan 2007 [*Akta 671*], Suruhanjaya, dengan kelulusan Menteri, membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Pasaran Modal dan Perkhidmatan (Industri Skim Persaraan Swasta) (Pindaan) 2022**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 31 Januari 2022.

Pindaan peraturan 10

2. Peraturan-Peraturan Pasaran Modal dan Perkhidmatan (Industri Skim Persaraan Swasta) 2012 [*P.U. (A) 77/2012*], yang disebut “Peraturan-Peraturan ibu” dalam Peraturan-Peraturan ini, dipinda dengan menggantikan peraturan 10 dengan peraturan yang berikut:

“Kewajipan dan tanggungjawab penyedia skim persaraan swasta

10. Penyedia skim persaraan swasta yang diluluskan di bawah seksyen 139Q Akta hendaklah, dalam melaksanakan fungsinya dan pengurusan dan operasi skim persaraan swasta—

- (a) bertindak mengikut peruntukan dan waad surat ikatan, peruntukan Akta, Peraturan-Peraturan ini dan mana-mana garis panduan yang dikeluarkan oleh Suruhanjaya; dan
- (b) menjalankan apa-apa kewajipan atau tanggungjawab lain sebagaimana yang dinyatakan oleh Suruhanjaya.”.

Pindaan peraturan 11

3. Subperaturan 11(3) Peraturan-Peraturan ibu dipinda dengan menggantikan perkataan “dalam masa dua bulan selepas permintaan itu diterima dan setelah pembayaran suatu jumlah yang munasabah sebagaimana yang ditentukan oleh penyedia skim persaraan swasta itu” dengan perkataan “dalam bentuk dan cara sebagaimana yang dinyatakan oleh Suruhanjaya”.

Pindaan peraturan 12

4. Peraturan 12 Peraturan-Peraturan ibu dipinda dengan menggantikan subperaturan 12(1) dengan subperaturan yang berikut:

“12. (1) Seseorang pemegang amanah skim yang diluluskan di bawah seksyen 139ZC Akta hendaklah, dalam menjalankan fungsinya dan pengurusan semua sekuriti, derivatif, harta dan aset suatu skim persaraan swasta di bawah jagaan dan kawalannya—

(a) bertindak mengikut peruntukan dan waad surat ikatan, peruntukan Akta, Peraturan-Peraturan ini dan mana-mana garis panduan yang dikeluarkan oleh Suruhanjaya; dan

(b) menjalankan apa-apa kewajipan atau tanggungjawab lain sebagaimana yang dinyatakan oleh Suruhanjaya.”.

Pemotongan peraturan 13

5. Peraturan-Peraturan ibu dipinda dengan memotong peraturan 13.

Pindaan peraturan 17

6. Subperaturan 17(1) Peraturan-Peraturan ibu dipinda dengan memasukkan selepas perenggan (a) perenggan yang berikut:

“(aa) nama, alamat dan butir-butir pasport atau apa-apa keterangan dokumen perjalanan anggota bukan warganegara Malaysia;”.

Pindaan peraturan 26

7. Peraturan 26 Peraturan-Peraturan ibu dipinda dengan menggantikan subperaturan 26(1) dengan subperaturan yang berikut:

“26. (1) Seseorang pemegang amanah majikan yang diluluskan di bawah seksyen 139ZF Akta hendaklah, dalam menjalankan fungsinya dan pengurusan semua sekuriti, derivatif, harta dan aset suatu skim persaraan tajaan majikan di bawah jagaan dan kawalannya—

- (a) bertindak mengikut peruntukan dan waad surat ikatan, peruntukan Akta, Peraturan-Peraturan ini dan mana-mana garis panduan yang dikeluarkan oleh Suruhanjaya; dan
- (b) menjalankan apa-apa kewajipan atau tanggungjawab lain sebagaimana yang dinyatakan oleh Suruhanjaya.”

Dibuat 11 Januari 2022

[GC(R&R)CMSA-PRSAmdendmentRegulations2019-1/2019(135); PN(PU2)662/XIV]

DATUK SYED ZAID ALBAR
Pengerusi
Suruhanjaya Sekuriti Malaysia

Diluluskan 19 Januari 2022

[MOF.SID(S)700-1/2/29(SK.2)(4); PN(PU2)662/XIV]

TENGGU DATUK SERI UTAMA ZAFRUL BIN TENGGU ABDUL AZIZ
Menteri Kewangan

CAPITAL MARKETS AND SERVICES ACT 2007

CAPITAL MARKETS AND SERVICES (PRIVATE RETIREMENT SCHEME INDUSTRY)
(AMENDMENT) REGULATIONS 2022

IN exercise of the powers conferred by section 139Z1 of the Capital Markets and Services Act 2007 [Act 671], the Commission, with the approval of the Minister, makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Capital Markets and Services (Private Retirement Scheme Industry) (Amendment) Regulations 2022**.

(2) These Regulations come into operation on 31 January 2022.

Amendment of regulation 10

2. The Capital Markets and Services (Private Retirement Scheme Industry) Regulations 2012 [P.U. (A) 77/2012], which are referred to as the “principal Regulations” in these Regulations, are amended by substituting for regulation 10 the following regulation:

“Duties and responsibilities of private retirement scheme provider

10. A private retirement scheme provider approved under section 139Q of the Act shall, in the performance of its function and the management and operation of the private retirement scheme—

- (a) act in accordance with the provisions and covenants of the deed, the provisions of the Act, these Regulations and any guidelines issued by the Commission; and
- (b) carry out any other duties or responsibilities as may be specified by the Commission.”.

Amendment of regulation 11

3. Subregulation 11(3) of the principal Regulations is amended by substituting for the words “within two months after the request is received and upon payment of a reasonable sum as may be determined by the private retirement scheme provider” the words “in the form and manner as may be specified by the Commission”.

Amendment of regulation 12

4. Regulation 12 of the principal Regulations is amended by substituting for subregulation 12(1) the following subregulation:

“12. (1) A scheme trustee approved under section 139ZC of the Act shall, in the performance of its function and the management of all securities, derivatives, property and asset of a private retirement scheme under its custody and control—

(a) act in accordance with the provisions and covenants of the deed, the provisions of the Act, these Regulations and any guidelines issued by the Commission; and

(b) carry out any other duties or responsibilities as may be specified by the Commission.”.

Deletion of regulation 13

5. The principal Regulations are amended by deleting regulation 13.

Amendment of regulation 17

6. Subregulation 17(1) of the principal Regulations is amended by inserting after paragraph (a) the following paragraph:

“(aa) the name, address and the particulars of passport or any evidence of travel document of the non-Malaysian citizen members;”.

Amendment of regulation 26

7. Regulation 26 of the principal Regulations is amended by substituting for subregulation 26(1) the following subregulation:

“26. (1) An employer trustee approved under section 139ZF of the Act shall, in the performance of its function and the management of all securities, derivatives, property and asset of an employer-sponsored retirement scheme under its custody and control—

- (a) act in accordance with the provisions and covenants of the deed, the provisions of the Act, these Regulations and any guidelines issued by the Commission; and
- (b) carry out any other duties or responsibilities as may be specified by the Commission.”.

Made 11 January 2022

[GC(R&R)CMSA-PRSAmdendmentRegulations2019-1/2019(135); PN(PU2)662/XIV]

DATUK SYED ZAID ALBAR
Chairman
Securities Commission Malaysia

Approved 19 January 2022

[MOF.SID(S)700-1/2/29(SK.2)(4); PN(PU2)662/XIV]

TENGGU DATUK SERI UTAMA ZAFRUL BIN TENGGU ABDUL AZIZ
Minister of Finance