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WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN PASARAN MODAL DAN
PERKHIDMATAN (INDUSTRI SKIM PERSARAAN
SWASTA)(FI) 2012

*CAPITAL MARKETS AND SERVICES (PRIVATE
RETIREMENT SCHEME INDUSTRY) (FEES) REGULATIONS
2012*



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AKTA PASARAN MODAL DAN PERKHIDMATAN 2007

PERATURAN-PERATURAN PASARAN MODAL DAN PERKHIDMATAN (INDUSTRI SKIM PERSARAAN SWASTA) (FI) 2012

PADA menjalankan kuasa yang diberikan oleh seksyen 139ZI dan 139ZJ 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) (Fi) 2012**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 12 Julai 2012.

Tafsiran

2. Dalam Peraturan-Peraturan ini—

“kumpulan wang ” ertinya apa-apa kumpulan wang dalam suatu skim persaraan swasta;

“dokumen penzahiran” ertinya apa-apa dokumen yang dikeluarkan oleh penyedia skim persaraan swasta yang mempelawa caruman kepada skim persaraan swasta itu;

“surat ikatan” ertinya apa-apa surat ikatan yang mewujudkan amanah yang mengawal penubuhan dan operasi suatu skim persaraan swasta dan kumpulan wang dalam skim persaraan swasta itu dan termasuk apa-apa surat ikatan tambahan.

Fi yang kena dibayar

3. Tertakluk kepada peraturan 6, fi yang kena dibayar berkenaan dengan Bahagian IIIA Akta dan Peraturan-Peraturan Pasaran Modal dan Perkhidmatan (Industri Skim Persaraan Swasta) 2012 [*P.U. (A) 77/2012*] adalah sebagaimana yang dinyatakan dalam Jadual.

Fi bagi tindakan Suruhanjaya

4. (1) Fi yang kena dibayar kepada Suruhanjaya di bawah Peraturan-Peraturan ini berkenaan dengan pendaftaran suatu dokumen oleh, atau penyerahsimpanan suatu dokumen dengan Suruhanjaya atau berkenaan dengan apa-apa permohonan hendaklah dibayar pada masa dokumen itu dihantar serah kepada Suruhanjaya bagi pendaftaran atau penyerahsimpanan atau pada masa permohonan itu dikemukakan kepada Suruhanjaya.

(2) Jika suatu fi yang kena dibayar di bawah Peraturan-Peraturan ini bagi atau berkenaan dengan pendaftaran suatu dokumen oleh, atau penyerahsimpanan suatu dokumen dengan Suruhanjaya atau berkenaan dengan apa-apa permohonan dan dokumen yang dikemukakan bagi pendaftaran atau penyerahsimpanan atau permohonan dikemukakan tanpa pembayaran fi itu, dokumen itu hendaklah disifatkan tidak dikemukakan bagi pendaftaran atau diserahkan atau permohonan itu hendaklah disifatkan tidak dikemukakan sehingga fi itu dibayar.

Penarikan balik, penolakan dan kajian semula keputusan Suruhanjaya

5. (1) Jika mana-mana permohonan atau pendaftaran ditarik balik—

(a) sebelum Suruhanjaya memulakan kerja terhadap permohonan atau pendaftaran, amaun penuh fi yang telah dibayar berkenaan dengan permohonan atau pendaftaran itu boleh dibayar balik oleh Suruhanjaya; atau

(b) selepas Suruhanjaya memulakan kerja terhadap permohonan atau pendaftaran, amaun penuh fi yang kena dibayar berkenaan dengan permohonan atau pendaftaran itu hendaklah kena dibayar kepada Suruhanjaya.

(2) Jika suatu permohonan atau pendaftaran ditolak atau dikembalikan oleh Suruhanjaya, amaun penuh fi yang ditetapkan di bawah Peraturan-Peraturan ini hendaklah kena dibayar kepada Suruhanjaya.

(3) Jika suatu permohonan telah dibuat untuk kajian semula keputusan Suruhanjaya, tiada fi yang kena dibayar bagi permohonan itu.

Penepian fi tahunan skim persaraan swasta

6. Suruhanjaya boleh menepikan fi tahunan untuk skim persaraan swasta bagi tempoh tiga tahun dari tarikh kuat kuasa Peraturan-Peraturan ini.

JADUAL
[Peraturan 3]

<i>No.</i>	<i>Perihal</i>	<i>Fi</i>
1.	Penubuhan skim persaraan swasta	RM10,000.00 setiap skim persaraan swasta + RM5,000.00 setiap kumpulan wang
2.	Kebenaran untuk kumpulan wang tambahan di bawah skim persaraan swasta yang diluluskan	RM5,000.00 setiap kumpulan wang
3.	Fi tahunan untuk skim persaraan swasta	RM10,000.00 setiap skim persaraan swasta
4.	Pendaftaran surat ikatan	RM1,500.00 + RM100.00 setiap kumpulan wang
5.	Pendaftaran surat ikatan tambahan	RM1,000.00
6.	Pendaftaran dokumen penzahiran	RM5,000.00 + RM500.00 setiap kumpulan wang
7.	Pendaftaran dokumen penzahiran tambahan	RM2,500.00 + RM100.00 setiap kumpulan wang
8.	Pendaftaran dokumen penzahiran gantian	RM2,500.00 + RM100.00 setiap kumpulan wang
9.	Pendaftaran pemegang amanah skim	RM5,000.00 setiap orang
10.	Pendaftaran pemegang amanah majikan	RM1,000.00 setiap orang
11.	Pembaharuan pendaftaran pemegang amanah skim	RM2,500.00 setiap orang
12.	Pembaharuan pendaftaran pemegang	RM1,000.00 setiap orang

<i>No.</i>	<i>Perihal</i>	<i>Fi</i>
	amanah majikan	
13.	Pelantikan wakil yang tidak dilesenkan oleh Suruhanjaya oleh penyedia skim persaraan swasta	RM2,500.00 setiap wakil
14.	Pelantikan penasihat	RM2,500.00 setiap kumpulan wang
15.	Pengecualian atau perubahan daripada garis panduan	RM500.00 setiap pengecualian atau perubahan bagi setiap kumpulan wang
16.	Lanjutan tempoh masa daripada pematuhan garis panduan atau terma dan syarat kelulusan Suruhanjaya	RM1,000.00 setiap permohonan bagi setiap kumpulan wang
17.	Penyerahsimpanan dokumen	RM100.00 setiap dokumen
18.	<p>Permohonan untuk menyediakan satu atau mana-mana gabungan kemudahan yang berikut:</p> <p>(a) pengedaran atau pengagihan dokumen penzahiran dan borang permohonan elektronik;</p> <p>(b) transaksi skim persaraan swasta atas talian; dan</p> <p>(c) aktiviti atas talian berhubung dengan skim persaraan swasta</p>	RM1,000.00 setiap permohonan
19.	Permohonan untuk mengubah nama skim persaraan swasta atau kumpulan wang	RM1,000.00 setiap permohonan

Dibuat 11 Julai 2012

[SC/RS(A&R)/PENSION FUND.4/12(085-1C); PN(PU2)662/VII]

DATUK RANJIT AJIT SINGH

Pengerusi

Suruhanjaya Sekuriti

Diluluskan

DATO' SERI AHMAD HUSNI MOHAMAD HANADZLAH

Menteri Kewangan Kedua

CAPITAL MARKETS AND SERVICES ACT 2007

CAPITAL MARKETS AND SERVICES (PRIVATE RETIREMENT SCHEME INDUSTRY)
(FEES) REGULATIONS 2012

IN exercise of the powers conferred by sections 139ZI and 139ZJ 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) (Fees) Regulations 2012**.

(2) These Regulations come into operation on 12 July 2012.

Interpretation

2. In these Regulations—

“deed” means any deed which creates a trust governing the establishment and operation of a private retirement scheme and funds in the private retirement scheme and includes any supplementary deed;

“disclosure document” means any document which is issued by a private retirement scheme provider inviting contributions to the private retirement scheme;

“fund” means any fund in a private retirement scheme.

Fees payable

3. Subject to regulation 6, the fees payable in respect of Part IIIA of the Act and Capital Markets and Services (Private Retirement Scheme Industry) Regulations 2012 [*P.U. (A) 77/2012*] shall be as specified in the Schedule.

Fees for acts of Commission

4. (1) The fees payable to the Commission under these Regulations in respect of the registration of a document by, or the lodgment of a document with the Commission or in respect of any application shall be paid at the time the document is delivered to the Commission for registration or lodgment or at the time the application is submitted to the Commission.

(2) Where a fee is payable under these Regulations for or in respect of the registration of a document by, or the lodgment of a document with the Commission or in respect of any application and the document submitted for registration or lodgment or the application is submitted without the payment of the fee, the document shall be deemed not to have been submitted for registration or lodged or the application shall be deemed not to have been submitted until the fee has been paid.

Withdrawal, refusal and review of Commission's decision

5. (1) Where any application or registration is withdrawn—

(a) before the Commission has commenced work on the application or registration, the full amount of fees paid in respect of that application or registration is refundable by the Commission; or

(b) where the Commission has commenced work on the application or registration, the full amount of fees payable in respect of that application or registration shall be payable to the Commission.

(2) Where an application or registration is refused or returned by the Commission, the full amount of fees prescribed under these Regulations shall be payable to the Commission.

(3) Where an application is made for the review of the Commission's decision, no fee shall be payable for such application.

Waiver of annual fee for private retirement scheme

6. The Commission may waive the annual fee for a private retirement scheme for a period of three years from the date of coming into operation of these Regulations.

SCHEDULE
[Regulation 3]

<i>No.</i>	<i>Description</i>	<i>Fee</i>
1.	Establishment of a private retirement scheme	RM10,000.00 per private retirement scheme + RM5,000.00 per fund
2.	Authorisation of additional funds under an approved private retirement scheme	RM5,000.00 per fund
3.	Annual fee for private retirement scheme	RM10,000.00 per private retirement scheme
4.	Registration of deed	RM1,500.00 + RM100.00 per fund
5.	Registration of supplementary deed	RM1,000.00
6.	Registration of disclosure document	RM5,000.00 + RM500.00 per fund
7.	Registration of supplementary disclosure document	RM2,500.00 + RM100.00 per fund
8.	Registration of replacement disclosure document	RM2,500.00 + 100.00 per fund
9.	Registration of scheme trustee	RM5,000.00 per person
10.	Registration of employer trustee	RM1,000.00 per person
11.	Renewal of registration of scheme trustee	RM2,500.00 per person
12.	Renewal of registration of employer trustee	RM1,000.00 per person
13.	Appointment of delegate which is not licensed by the Commission by the private retirement scheme provider	RM2,500.00 per delegate
14.	Appointment of adviser	RM2,500.00 per fund
15.	Exemption or variation from guidelines	RM500.00 per exemption or

<i>No.</i>	<i>Description</i>	<i>Fee</i>
		variation for each fund
16.	Extension of time in complying with guidelines or the Commission's terms and conditions of approval	RM1,000.00 per application for each fund
17.	Lodgment of document	RM100.00 per document
18.	Application to provide one or any combination of the following facilities: (a) circulation or distribution of electronic disclosure document and electronic application forms; (b) online transactions of private retirement scheme; and (c) online activities in relation to private retirement scheme	RM1,000.00 per application
19.	Application to change the name of private retirement scheme or fund	RM1,000.00 per application

Made 11 July 2012

[SC/RS(A&R)/PENSION FUND.4/12(085-1C); PN(PU2)662/VII]

DATUK RANJIT AJIT SINGH

Chairman

Securities Commission

Approved

DATO' SERI AHMAD HUSNI MOHAMAD HANADZLAH

Second Minister of Finance