## **UNOFFICIAL TRANSLATION**

Readers should be aware that only the original Thai text has legal force and that this English translation is strictly for reference. The SEC, Thailand can neither undertake any responsibility for its accuracy nor be held liable for any loss or damages arising from or related to its use.

## Notification of the Capital Market Supervisory Board No. TorChor. 19/2553

Re: Rules for Listing Names of Persons on Database of Directors and Executives of Securities Issuing Companies

By virtue of Section 16/6 of the Securities and Exchange Act B.E. 2535 (1992), as amended by the Securities and Exchange Act (No. 4) B.E. 2551 (2008), and Sections 35(6) of the Securities and Exchange Act B.E. 2535 (1992) which contain certain provisions in relation to restriction of rights and liberties of persons which Section 29, in conjunction with Section 33, Section 34, Section 41, Section 43, Section 44 and Section 64 of the Constitution of the Kingdom of Thailand, so permits by virtue of law, the Capital Market Supervisory Board hereby issues the following regulations:

**Clause 1.** The Notification No. TorChor. 24/2552 Re: Requirements for Directors and Executives of Securities Issuing Companies dated 20 July 2009 shall be repealed.

## **Clause 2.** In this Notification:

- (1) "executive" means the executive as prescribed by Chapter 3/1 of the Securities and Exchange Act B.E. 2535 (1992);
- (2) "database of directors and executives of securities issuing companies" means a database established by the SEC Office showing the names of directors or executives of the securities issuing company;
- (3) "Notification on Determination of Untrustworthy Characteristics" means the Notification of the Securities and Exchange Commission No. KorChor. 8/2553 Re: Determination of Untrustworthy Characteristics of Company Directors and Executives dated 23 April 2010.
- **Clause 3.** In cases where any notification issued under the law on Securities and Exchange requires persons be listed on database of directors and executives of securities issuing companies, the listing of such persons' names on the database shall comply with this Notification.

- **Clause 4.** The filing of persons' names on the database of directors and executives of securities issuing companies or any changes thereof shall be in accordance with the rules and procedures prescribed by the notification of the SEC Office.
- **Clause 5.** Following the filing of persons' names according to Clause 4, the SEC Office shall publish such persons' names on the database of directors and executives of securities issuing companies, unless there appears the fact that the persons to be listed possess any untrustworthy characteristics pursuant to the Notification on Determination of Untrustworthy Characteristics.
- **Clause 6.** In cases where there appears any of the following facts, the SEC Office shall remove such persons from the database of directors and executives of securities issuing companies:
  - (1) death;
  - (2) ceasing to be director or executive of the company;
- (3) the company no longer having the duty to prepare and submit the report on its financial condition and operating results under Section 56.
- Clause 7. The persons listed on the database of directors and executives of securities issuing companies whose names are listed according to the Notification of the Capital Market Supervisory Board No. TorChor. 24/2552 Re: Requirements for Directors and Executives of Securities Issuing Companies dated 20 July 2009 shall be persons listed on the database of directors and executives of securities issuing companies under this Notification.
- **Clause 8.** The Notification of the Office of the Securities and Exchange Commission No. SorChor. 27/2552 Re: Form and Procedure for Filing of Information or Change of Information on Directors and Executives of Securities Issuing Companies dated 28 July 2009 shall remain effective under this Notification until changed otherwise.
- **Clause 9.** In case of reference in any notifications to the Notification related to or governing requirements for directors and executives of securities issuing companies, such reference shall mean reference to this Notification.

In case of reference in any notifications to the database of executives according to the notification related to requirements for executives of securities issuing companies, such reference shall mean a reference to the database of directors and executives of securities issuing companies prescribed herein.

(Translation)

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**Clause 10.** This Notification shall come into force as from 16 June 2010.

Notified this 25<sup>th</sup> day of May 2010.

-Signature(Thirachai Phuvanatnaranubala)
Secretary-General
Office of the Securities and Exchange Commission
Chairman
Capital Market Supervisory Board

<u>Remark</u>: The rationale for issuing this notification is to prescribe rules on listing of persons on the database of directors and executives of securities issuing companies as well as rules on updating such list whereby investors and potential investors can check the list of persons who hold positions in securities issuing companies from such database.