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Structure

As the frontline regulator of the Malaysian capital market, we have a duty to maintain a fair and orderly market in the securities and derivatives that are traded through its facilities. The regulatory functions of the Exchange are performed and managed by the Regulation Functional Group which is helmed by the Chief Regulatory Officer.



Overview

Bursa Malaysia is the frontline regulator of the Malaysian capital market and has the duty to maintain a fair and orderly market in the securities and derivatives that are traded through its facilities. As an integrated exchange, Bursa Malaysia also has the duty to ensure orderly dealings in the securities deposited with Bursa Malaysia, and orderly, clear and efficient clearing and settlement arrangements for transactions cleared and settled through its facilities. In furtherance of these duties, Bursa Malaysia has put in place a comprehensive and effective regulatory and supervisory framework to regulate the market and its participants, including the listed issuers and their directors and advisers, Participating Organisations, Trading Participants, Clearing Participants, Authorised Depository Agents and Authorised Direct Members.

In this respect, Bursa Malaysia has issued various sets of rules to stipulate the requirements that need to be met by the regulated entities either upon admission and/or on a continuing basis. It administers and monitors compliance with these rules and takes strict, prompt and objective enforcement action for breaches of these rules. Bursa Malaysia actively supervises the listed issuers and the brokers. It also undertakes surveillance over the trading activities in the marketplace.

Bursa Malaysia's overriding objectives, in addition to discharging its statutory duties, are investor protection, transparency, high standards of conduct and governance, market integrity and that all relevant persons can participate in our market with confidence.

The regulatory functions are performed and managed by Regulation Functional Group which is helmed by the Chief Regulatory Officer. As a measure to ensure independence of the regulatory function, the Chief Regulatory Officer provides the Board with a regulatory report on a regular basis and the regulatory plan, which includes the regulatory budget, is approved by the Board.

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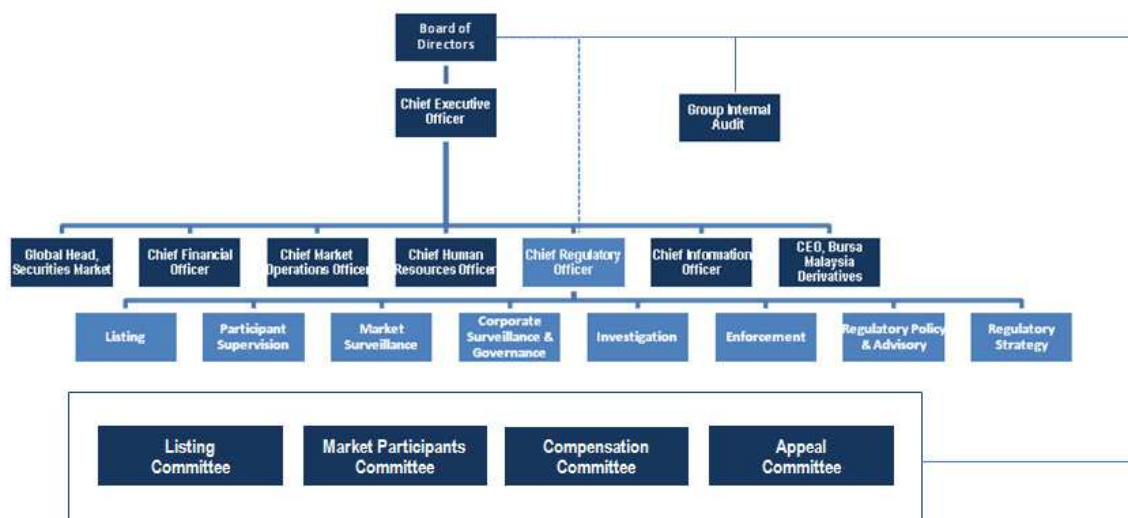
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Structure

As the frontline regulator of the Malaysian capital market, we have a duty to maintain a fair and orderly market in the securities and derivatives that are traded through its facilities. The regulatory functions of the Exchange are performed and managed by the Regulation Functional Group which is helmed by the Chief Regulatory Officer.



Regulatory Organisation Structure



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Structure

As the frontline regulator of the Malaysian capital market, we have a duty to maintain a fair and orderly market in the securities and derivatives that are traded through its facilities. The regulatory functions of the Exchange are performed and managed by the Regulation Functional Group which is helmed by the Chief Regulatory Officer.



Regulatory Committees

Bursa Malaysia's regulatory activities are independent of its commercial activities so as to limit potential or perceived conflict of interest. For this purpose, Bursa Malaysia has established Regulatory Committees to make significant regulatory decisions. The compositions of these Regulatory Committees comprise majority of external industry experts in addition to independent directors and public interest directors of Bursa Malaysia. The tenure is for a period of one year and the appointment is recommended by the Nomination & Remuneration Committee and approved by the Board of Bursa Malaysia.

The Regulatory Committees are governed by a term of reference as set out in the [Governance Model](#). This model is subject to review from time to time to mirror the changing business and regulatory environment. Such changes are notified to the Securities Commission pursuant to the Guidance on the Regulatory Role of Bursa Malaysia.

The Regulatory Committees are as follows:-

[Listing Committee](#) – deciding on cases relating to the Bursa Malaysia Listing Requirements

[Market Participants Committee](#) – deciding on cases and making decisions relating to Bursa Malaysia Rules

[Compensation Committee](#) – deciding on claims made against compensation funds

[Appeals Committee](#) (comprising of members who are not involved in any of the Regulatory Committees above) - deciding on appeals from decisions of the Regulatory Committees with the exception of decisions made by the Compensation Committee in relation to claims made under the compensation funds for Bursa Securities and Bursa Derivatives

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Structure

As the frontline regulator of the Malaysian capital market, we have a duty to maintain a fair and orderly market in the securities and derivatives that are traded through its facilities. The regulatory functions of the Exchange are performed and managed by the Regulation Functional Group which is helmed by the Chief Regulatory Officer.



Regulatory Oversight Body

It is the duty of Bursa Malaysia to ensure a fair and orderly market in the trading of securities and derivatives. The Securities Commission being the regulatory oversight body supervises and monitors Bursa Malaysia with regards to its listing, trading, clearing, settlement and depository operations to ensure Bursa Malaysia performs its regulatory duties and obligations in an effective manner.

Bursa Malaysia is required to submit an Annual Regulatory Report to the Securities Commission which details the extent and scope of Bursa Malaysia's compliance with its statutory duties and obligations. The Securities Commission has been conducting regulatory audit on Bursa Malaysia upon submission of the Annual Regulatory Report. There are also discussions between the Securities Commission and Bursa Malaysia from time to time on operational and strategic supervisory matters. The Securities Commission's approval and concurrence is required for changes to the rules and for new or enhancement of products provided by Bursa Malaysia.

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Supervision of Brokers

We have a structured and systematic monitoring mechanism in place for monitoring and supervising compliance by Participating Organisations and Trading Participants.



Bursa Malaysia closely supervises the business conduct of brokers and their representatives with the aim to achieve the following objectives:-

- To ensure secure, fair and orderly trading environment through effective monitoring and supervision
- To ensure adequate protection of investors who engage the services of the brokers for trading
- To effectively monitor the activities of brokers to ensure that brokers are providing secure and trusted services to investors

We regulate and supervise two groups of brokers:-

- [stock brokers](#) (stockbroking companies) i.e. Participating Organisations
- [futures brokers](#) (futures broking companies) i.e. Trading Participants

As a frontline regulator, we monitor and supervise the stockbroking and futures broking companies in respect of the Bursa Malaysia Rules, directives and circulars.

Supervision of brokers is carried out in the following manner:

- Inspection** - conduct scheduled and/or ad-hoc inspection visits to the office premises of brokers with the focus to assess their degree of compliance, level of market conduct and adequacy of clients' assets protection
- Compliance Monitoring** – ensure timely reporting by brokers, conduct analytical review on their periodic submissions and raise alert when the needs arise
- Financial Monitoring** - monitor the brokers' financial condition and ensure their compliance with minimum financial requirements from various aspects
- Registration** – ensure all licensed brokers, their key staff and licensed personnel are duly registered with Bursa Malaysia for monitoring purpose
- Others** - Evaluate and process applications received from brokers that require prior consent of Bursa Malaysia before implementation, which among others, include applications for new business activity and establishment of new office premises

We employ a risk-based approach (RBA) in conducting supervisory activities. This approach adopts a framework that assesses the risk profiles of brokers using elements associated with risk information. This in turn will be used to develop supervision plans that prioritise the scope and frequency of the assignments as well as the types of exercise to be conducted on these brokers. The assessment and risk profiles are developed and updated on a regular basis. The implementation of RBA not only enhances the effectiveness and efficiency of Bursa Malaysia's monitoring, but assists the brokers in allowing them to take the necessary rectification/improvement measures through identification of risk areas using the RBA.

As part of the continuous obligations in contributing towards a fair and orderly market, all brokers are required to report their activities and status of various areas of concern to Bursa Malaysia on a periodic basis e.g. brokers are required to declare through regular submissions on whether monies received from investors are properly safeguarded by being deposited in designated trust/segregated accounts. Verification of the same will be conducted by Bursa Malaysia either during the inspection visit or off-site compliance monitoring.

Enforcement / disciplinary actions have been taken against brokers for breaches of Bursa Malaysia Rules, directives and circular.

Further, cases of non-compliance with the Capital Markets & Services Act and the Securities Industry (Central Depositories) Act by brokers and their representatives are forwarded to the Securities Commission for further action.

We also conduct regular briefing sessions and hold conferences and dialogues with brokers to strengthen their compliance culture and enhance their business conduct in order to achieve the objective of self-regulation in the long term.

We strive to deliver a high level of service and maintain effective working relationship with brokers. In order to ensure that enquiries can be channelled promptly and to the right personnel, we have dedicated personnel for [specific brokers groups](#) to assist them in enquiries relating to the Bursa Malaysia Rules. This is essential to encourage and promote greater compliance with the Bursa Malaysia Rules.

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Market Surveillance

Our underlying philosophy in managing market orderliness lies in addressing market misconduct. We consider both quantitative and qualitative criteria when deciding on the appropriate policies, approaches and actions to be taken to address market orderliness.



Overview

Market Surveillance's focus is to ensure the market operates in a fair and orderly manner so as to promote efficient price discovery and investor protection. Our philosophy is: prompt detection, swift action. This is achieved through the conduct of dynamic and timely regulatory measures, the undertaking of real-time and post-trade monitoring and analysis of both equities and derivatives trading activities. This approach in managing suspected manipulation through our Soft Enforcement has been effective in providing investor protection.

We monitor the trading activities on a real time basis using state-of-the-art surveillance information system technology. The surveillance system is able to detect a wide range of possible market misconduct situations on real-time basis. We set out clear and comprehensive rules and guidance on types of trading violation. This will enable us to act swiftly to curb any potential market misconduct. Investor protection is our priority.

[Business Rules of Bursa Malaysia Securities Berhad – Market Misconduct](#)

[Rules of Bursa Malaysia Derivatives Berhad](#)

[Capital Markets and Services Act 2007 – Market Misconduct](#)

[Guidelines on Market Conduct and Business Practices for Stockbrokers and Licensed Representatives \(issued by SC which took effect from 8 April 2008\) which also sets out examples of market abuses and unethical business conduct.](#)

We carry out regulatory actions upon detection of market misconduct to ensure market integrity is maintained at all times. The types of regulatory measures enforced are wide ranging:

[Soft Enforcement](#)

[Unusual Market Activity Query](#)

[Market Alert](#)

[Designation](#)

Potential trading breaches are subjected to further investigation and enforcement action by Bursa Malaysia on errant party under the Bursa Malaysia Rules, and by the Securities Commission for breaches under the Capital Markets & Services Act 2007 and the securities laws.

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Enforcement

We take a very strict view of breaches to our Business Rules and Listing Requirements and undertake enforcement proceedings and actions according to the severity of the breach as these infractions have the potential to undermine investors' rights and protection.



Overview

Bursa Malaysia takes a very strict view of breaches to the [Bursa Malaysia Rules](#) and [Bursa Malaysia Listing Requirements](#); as these breaches have the potential to undermine investor's rights and protection.

We undertake enforcement proceedings and actions in relation to identified contravention of the Bursa Malaysia Rules and Bursa Malaysia Listing Requirements and initiate legal action where necessary, to give effect to the enforcement decisions and actions. We also administer and process claims in respect of the Compensation and Fidelity Funds maintained by Bursa Malaysia.

We are committed to strict enforcement for contravention of the Bursa Malaysia Rules and Bursa Malaysia Listing Requirements. Through these enforcement actions, we seek to:-

- deter future breaches
- educate the market
- influence change
- enhance corporate governance

The Bursa Malaysia Listing Requirements and Bursa Malaysia Rules empower Bursa Malaysia to take enforcement actions for breaches of the Bursa Malaysia Listing Requirements and Bursa Malaysia Rules. The persons who are subject to these enforcement actions are applicants, listed issuers, management companies, trustees, directors, Participating Organisations, Trading Participants, Clearing Participants, Participants of Exchange Trading Platform, Registered Persons, Authorised Depository Agents, Authorised Direct Members and any such person to whom the Bursa Malaysia Listing Requirements and Bursa Malaysia Rules are directed.

Each year, Bursa Malaysia makes enquiries and investigates potential rule breaches and depending on the conduct involved, the facts and circumstances, will trigger a variety of responses for the breaches / non-compliances including referrals of potential and significant contravention of the [Capital Markets & Services Act 2007](#) to Securities Commission. Enforcement actions or sanctions by Bursa Malaysia are merely one of the tools available to Bursa Malaysia to address the breaches of the Bursa Malaysia Listing Requirements and Bursa Malaysia Rules.

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Enforcement

We take a very strict view of breaches to our Business Rules and Listing Requirements and undertake enforcement proceedings and actions according to the severity of the breach as these infractions have the potential to undermine investors' rights and protection.



Enforcement Approach

In our commitment to deter and reduce breaches of our rules, we continue to focus on swift and strict public enforcement action. Our approach to market enforcement is two-pronged to ensure effective enforcement with greater outcome:

We prioritise our enforcement actions in respect of Bursa Malaysia Rules and Bursa Malaysia Listing Requirements breaches which have a material impact to the market. We place greater emphasis on directors in respect of Bursa Malaysia Listing Requirements breaches by listed issuers.

Due process involved in enforcement action and right of defaulting party

In undertaking enforcement action, due process will be accorded where the defaulting parties are given opportunity to provide explanation. The enforcement decisions will be made by the relevant regulatory committees of Bursa Malaysia (i.e. [Market Participants Committee](#), [Listing Committee](#) and [Appeals Committee](#)) which essentially comprise of independent external parties/industry experts.

Factors taken into consideration in deciding the sanction to be imposed

In deciding the appropriate sanction to be imposed for a breach of the Bursa Malaysia Listing Requirements and Bursa Malaysia Rules, a variety of factors are taken into consideration according to the circumstances of each individual case. The factors taken into consideration include, amongst others, public interest/deterrent element of the proposed penalty, antecedent character and background of the defaulting party, nature of the breach and circumstances and manner under which the breach was committed, mitigating and aggravating factors. As such, depending on the outcome of the assessment of the various factors in relation to the facts and circumstances of each individual case, the actions/ sanctions imposed may also vary even for the same breach by different parties.

Under the Bursa Malaysia Listing Requirements, enforcement action can be initiated against directors who are found to have contravened specific obligations imposed on the directors or where there is a breach committed by the listed issuers and the said director is found to have caused, aided or abetted or permitted the commission of the breach by the listed issuer. In ascertaining whether the director has caused, aided or permitted the commission of the breach by the listed issuer, Bursa Malaysia will examine the culpability of each director including roles and responsibilities of each director in the listed issuer and representation and justifications provided.

Type of sanctions

The type of sanctions that may be imposed for a breach of the Bursa Malaysia Listing Requirements and Bursa Malaysia Rules include:

- reprimand (private or public)
- fines
- remedial actions
- suspension
- de-listing (against listed issuers for breaches of the Bursa Malaysia Listing Requirements) or striking off/ termination of participation
- any other action deemed appropriate

Consultation with the Securities Commission on enforcement

In initiating and undertaking enforcement actions, Bursa Malaysia adopts a consultative approach in working together with the Securities Commission to ensure effective regulation of the capital market. This is particularly pertinent when there is contravention of both rules of Bursa Malaysia and the law under the purview of the Securities Commission. In such circumstances and based on the facts and evidence, Bursa Malaysia will consult the Securities Commission as to the appropriateness of initiation of enforcement action by Bursa Malaysia.

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Market Surveillance

Our underlying philosophy in managing market orderliness lies in addressing market misconduct. We consider both quantitative and qualitative criteria when deciding on the appropriate policies, approaches and actions to be taken to address market orderliness.



Regulatory Measures

Soft Enforcement

Soft enforcement is an approach used to address irregular trading concerns through engagement with Participating Organisations ("POs").

Objectives of soft enforcement:

- To address any material trading irregularities promptly
- To nurture an understanding among POs of Bursa Malaysia's expectation in relation to trading best practices which include desired standards of conduct of their dealers
- To instill a self-regulation culture among POs
- To ensure POs are aware that irregular trading activities are being monitored by Bursa Malaysia

Bursa Malaysia's expectation on POs post soft enforcement include:

- POs to immediately carry out investigation into possible irregularities
- Cease trading misconduct

Unusual Market Activities Query

Unusual Market Activities refers to any abnormal trading activities involving substantial price change, and/or volume movement, arising from the trading of an individual stock or its derivatives during any market session.

It is the obligation of listed companies to make an immediate announcement to clarify the above scenario pursuant to the Bursa Malaysia Listing Requirements.

In addition to listed companies' own initiative, Bursa Malaysia will also initiate an Unusual Market Activities query upon detection of any irregular price and/or volume movement.

When an Unusual Market Activities query is initiated, the affected listed company must immediately make an announcement to clarify the cause of unusual market activities in the trading of its securities after making due enquiry.

Investors are advised to take note of the Unusual Market Activities query and the listed issuer's response when making their investment decisions.

Market Alert

Market Alert is an alert initiated to caution the investing public on the possible irregular trading activities of a particular security. The Market Alert is published via media release and Listing Circular.

Market Alert serves to alert investors:

- To take note of the recent developments of the listed company
- To exercise caution and due diligence on the trading of the affected securities
- To guide their investment decisions based on fundamentals of the listed company

It also assures investors that Bursa Malaysia will not hesitate to take appropriate regulatory action on the trading of the securities to ensure a fair and orderly market.

Designation

The trading of the securities will be declared as "Designated Securities" upon occurrence of a situation of excessive speculation as well as the existence of abnormal trading patterns. The decision to designate a securities also takes into account the interest of ensuring a fair and orderly market for the trading the affected securities.

With the designation, trading in the securities continues but will require payment upfront before buying and a free balance of securities before selling.

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