

**CAPITAL MARKETS AND SERVICES ACT 2007 (Act 671)**

**An Act to consolidate the Securities Industry Act 1983 [Act 280] and Futures Industry Act 1993 [Act 499], to regulate and to provide for matters relating to the activities, markets and intermediaries in the capital markets, and for matters consequential and incidental thereto.**

**Section 5 of the CMSA**

**Prescription of securities, derivatives and capital market products**

5.

(1) Notwithstanding the definition of “securities”, “derivatives” , “Islamic securities” or “Islamic derivatives” under this Act and “interest” as defined in subsection 84(1) of the Companies Act 1965, the Minister may, on the recommendation of the Commission, by order published in the Gazette, prescribe **any instrument or product or class of instruments or products to be—**

- (a) securities;**
- (b) derivatives;**
- (c) capital market products;**
- (d) Islamic securities;**
- (e) Islamic derivatives; or**
- (f) Islamic capital market products, for the purposes of the securities laws.**

(2) Where an exemption has been granted under section 96 of the Companies Act 1965, the Minister may, on the recommendation of the Commission, by order published in the Gazette, **prescribe an exempted interest or a class or category of exempted interests to be—**

- (a) securities for the purposes of this Act or any particular provision of this Act; or**
- (b) a derivative for the purposes of this Act or any particular provision of this Act.**

(3) In a prescription made under subsection (1) or (2) in respect of securities, derivatives, capital market products, Islamic securities, Islamic derivatives, or Islamic capital market products, the Minister may—

- (a) for the purposes of regulating the issue, offer for subscription or purchase, or the making of an invitation to subscribe for or purchase, any securities or Islamic securities, specify in the prescription any provision of this Act to apply to such securities or Islamic securities;**
- (b) in the case of derivatives or Islamic derivatives, specify in the prescription any provision of this Act to apply to such derivatives or Islamic derivatives; and**
- (c) for the purposes of regulating the issue, offer for subscription or purchase, or the making of an invitation to subscribe for or purchase, any capital market product or Islamic capital market product, specify in the prescription any provision of this Act to apply to such capital market product or Islamic capital market product.**

(4) For the purposes of this section, “interest” means an interest as defined in **subsection 84(1) of the Companies Act 1965.**

