

(UNOFFICIAL TRANSLATION)

Regulations of TCH (with respect to derivatives)

Chapter 100 General Provisions

*Readers should be aware that only the original Thai text has legal force and that this English translation is strictly for reference. Thailand Clearing House Company Limited cannot undertake any responsibility for its accuracy nor be held liable for any loss or damages arising from or related to its use.*

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## **Regulations**

### **Chapter 100 General Provisions**

#### **101 Governing Law**

The regulations of TCH shall be governed by and interpreted in accordance with the laws of Thailand.

In case of doubt or problem in the application or interpretation of the regulations of TCH, TCH shall make a decision. The decision of TCH shall be final and binding upon and observed by the members.

#### **102 Liabilities of TCH**

##### **102.1 Liabilities of TCH**

TCH shall be liable for damage arising from its operations in the normal course or in support of its functions in connection with the derivatives clearing services and other related services if such damage is caused by its willful act or gross negligence. However, such liability shall exclude any damage arising from or caused by a disruption which affects the clearing system or an error of the trading system or the clearing system on TFEX whereby TCH has exercised reasonable care and control.

\*In any action relating to Delivery, TCH and the Affiliates will not be responsible for any obligation and damage, including the quality of commodity, accuracy or completeness of documents, quality of any other service providers, and any obligations relating to Delivery between members and between clients of members in any cases. Members and clients of members who wish to undertake Delivery shall be bound by the rights, duties, and liabilities in the Delivery and any and all damages occurring.

*(\*Added December 18, 2015, Force January 4, 2016)*

##### **102.2 Liabilities of Persons Performing the Duties**

(1) The persons who perform duties or do any other act related to the performance of duties for the interest of TCH and its delegated persons in accordance with their power and duties in good faith and with the exercise of due care must not be liable for any damage that may arise therefrom even if any person is thereby injured.

(2) The persons who perform duties under (1) shall mean to include the Board, the Managing Director, the sub-committees appointed by the Board to perform any functions, the employees or any persons delegated by TCH.

**\*103 Rights in the Information in the Clearing System of TCH Rights to Data from the Clearing System of TCH**

The information recorded in the Clearing System or is processed by the Clearing System of TCH belongs to TCH.

The members shall procure their clients' consent in order for the members to deliver or record clearing information of the clients in the Clearing System. Such consent shall include the consent to disclose the information to the government or other agencies for regulatory purposes of the Office of the SEC, the Bank of Thailand, SET, TFEX, the clearing house for commodity or variable of derivatives contracts, and TSD, or as required to be disclosed according to the law

*(\*Amended August 21, 2015, Force August 24, 2015)*

**\*104 Dealing with Data of the Members and Clients**

TCH shall keep confidential, and shall not disclose to any other persons, the data belonging to its members and clients, which is received from its operations, and which should not be disclosed under normal circumstances, except for data which has already been disclosed to the public in the trading procedures in TFEX, or in the Clearing and Delivery in TCH, or in accordance with section 153 of the laws on derivatives.

*(\*Amended December 18, 2015, Force January 4, 2016)*

**105 Miscellaneous**

TCH may disclose and disseminate its rules including any other data as TCH considers appropriate.

The regulations of TCH might be amended or revised in whole or in part for suitability with the situation that may be changed or as TCH considers appropriate.

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