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Regulation

Chapter 100 General Provisions

101 Governing Law

The regulation of TSD shall be governed and construed in accordance with the Thai law.

TSD shall consider any doubt or problem with regard to the application or interpretation of the regulations of TSD. The consideration of the managing director of TSD, or any person in an equivalent position, shall be final and binding on the depositor.

102. TSD Services

TSD operates the business by acting as the center which provides services including depositing, withdrawal, and the clearing for transfer of securities, as well as other related services.

103 Liability of TSD

***103.01 Liability of TSD**

TSD shall be liable for any damage arising from any action carried out in the ordinary course of business, or in supporting the operations of TSD in relation to the securities depository service and other related services, if such damage is incurred by willful misconduct or gross negligence of TSD. TSD shall not be liable for the damage which arises, or which may arise, from a disruption which affects the securities depository system, including the system connected to the securities depository system, or the error thereof, if TSD has taken due care in managing such system.

*(*Amended May 29, 2015, Force on August 24, 2015)*

103.02 Liability of Persons Performing Their Duties

(1) Persons, who perform their duty or conduct any other actions in relation to the performance of duty for the benefit of TSD and the authorized person, within the scope of their authority, in good faith, and have taken due care in doing so, shall not be liable for any damage possibly arising from their acts, even though other persons sustain damage from such acts.

(2) Persons, who perform their duty in accordance with (1) shall include the Board, the manager, the sub-committee appointed by the Board, employees, or any person authorized by TSD.

104 Information in the Depository System and/or the System Connected to TSD System

***104.01 Rights in the Information in the Depository System and/or the System Connected to TSD System**

The information recorded in the depository system and/or through the system connected to TSD System belongs to TSD.

The depositors shall cause the delivery or record of the information on the holding of securities of their customers in the depository system and/or through the system connected to TSD System in accordance with Section 225 of the Securities and Exchange Act in order for TSD to use such information.

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

***104.02 Treatment of the Information of the Depositors and their Customers**

TSD shall keep the depositors' and their customers' information, which is recorded in the depository system and/or through the system connected to TSD System and the information TSD acquired from its operation which is normally treated as confidential and undisclosed to other persons, save for the information which is already in the public domain, or disclosures of information to the government or other agencies for regulatory purposes of the Office of the SEC, the Bank of Thailand, SET, TFEX, and TCH, or as required to be disclosed according to the law.

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

104.03 Delivery of the Information to Depositors

TSD shall deliver the information and reports pertaining to the TSD services to the depositors via the computer system established by TSD, in accordance with the regulations prescribed by it.

Where any depositor fails to install a computer to connect to the TSD system, or the computer of a depositor, which is connected to the TSD system, malfunctions, such depositor may request for the information or the reports from TSD by giving advance notice.

Where it appears that the information in the first paragraph is incorrect, the depositor shall request for the amendment of such information, in accordance with the procedures and within the period prescribed by TSD, on the business day following the date of receipt of such information.

Where any depositor fails to request for an amendment of information within the period prescribed, and any damage is incurred by TSD or the securities owner, such depositor shall be liable for such damage.

105 General Provisions

(1) TSD may disclose and publish the TSD regulations and other information as it deems appropriate.

(2) The TSD regulations may be amended, added or modified, in whole or in part, or as TSD deems fit, so that that they are suitable for changing situations.
