

(UNOFFICIAL TRANSLATION)

Regulations of TCH (with respect to securities)
Chapter 200 Definitions

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201 Definitions

“SET” means the Stock Exchange of Thailand.

*“Securities Depository Center” means Thailand Securities Depository Co., Ltd., or the Depository Center in accordance with the law on securities exchange, which operates the businesses as a center for providing the services of deposit and withdrawal of securities, including related services for clearing purposes.

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

“TCH” means Thailand Clearing House Co., Ltd., which operates the businesses as a center for providing the services the purpose of clearing and settlement of traded securities, including related services.

“SEC” means the Securities and Exchange Commission under the law on securities and exchange.

“Capital Market Supervisory Board” means the Capital Market Supervisory Board under the law on securities and exchange.

“Office of the SEC” means the Office of the Securities and Exchange Commission under the law on securities and exchange.

“Board” means the Board of Directors of TCH.

“Member” means a person who is permitted by TCH to use its clearing and settlement services for traded securities.

*“General Clearing Member” means a Member who undertakes the Securities clearing and settlement for itself or clients, or for other Members or other Members’ clients.

*(*Amended July 24, 2020, Force August 3, 2020)*

*“Direct Clearing Member” means a Member who undertakes the Securities clearing and settlement for itself or clients whereby the Member’s clients must not be the members of SET or Members.

*(*Amended July 24, 2020, Force August 3, 2020)*

“Trading arranger” means the SET, or a person who arranges for the trading of securities outside the SET and has agreed to authorize TCH to provide its clearing and settlement services for traded securities.

“Securities” means securities under the law on securities and exchange.

“Securities clearing and settlement” means the payment, acceptance of payment, delivery, and taking delivery of, securities.

“Pending Receiver” means the person entitled to receive the Securities as a result of defaults on securities settlement.

*(*Added October 20, 2017, Force November 6, 2017)*

“Clearing Fund” means a compensation fund in the securities clearing and settlement system.

“Clearing Fund member” means a person who is admitted by TCH to be a member of the Clearing Fund.

“Net clearing data” means the data on the net clearing and settlement of securities prepared by TCH, in order to show the transactions of clearing and settlement of securities of a Member, and of a Member’s clients for whom the Member has the duty to carry out the clearing and settlement for TCH.

*“Gross clearing data” means the data on the clearing and settlement of securities based on the amounts of the respective trading transactions, which is prepared by TCH in order to show the transactions of clearing and settlement of securities of a Member, and of a Member’s clients for whom the Member has the duty to carry out the clearing and settlement with TCH.

*(*Amended September 19, 2013, Force October 1, 2013)*

“Clearing data” means the net clearing data and/or the gross clearing data, as the case may be.

*“Settlement Account” means a securities depository account opened by a Member with the securities depository center designated by TCH, for the purpose of securities clearing and settlement according to TCH’s clearing data.

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

“Clearing for transfer of securities” means the deduction of securities from the clearing account of a Member who has the duty to deliver securities and to transfer additional securities to the clearing account of a Member who is entitled to take delivery of securities according to the clearing data.

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“Equity securities” means shares, investment units, warrants on shares, warrants on investment units, transferable subscription rights, derivative warrants, and any other securities similar thereto.

“Debt securities” means treasury notes, bonds, debentures, convertible debentures, short-term debentures, debentures under a securitization scheme, warrants on debentures, and any other securities similar thereto.

“Over-the-counter center” means an over-the-counter center under the Securities and Exchange Act B.E. 2535

“Buy-in transaction” means the purchase of securities by TCH for the purpose of delivery, in the case that a Member is unable to deliver the traded securities to TCH within the time prescribed by it.

“SET50 INDEX” means the share price index calculated by means of weighting the value of securities based upon market price, from the group of 50 securities chosen according to the rules and procedures prescribed by the SET.

“Force majeure” means any event, the happening or pernicious results of which could not be prevented even though appropriate care as might be expected in that situation and condition has been taken.

*“Member buy-in transaction” means the purchase of securities by the Member due to the default of the client of the Member to deliver traded securities to the Member.

*(*Added August 21, 2015, Force August 24, 2015)*

*“Affiliates” means SET and the companies in which the SET holds shares in excess of fifty per cent of their paid-up capital.

*(*Added October 1, 2019, Force October 15, 2019)*
