



Amendment No.2
Effective Date 1 February 2023

NOTICE UNDER THE SECURITIES MARKETS ORDER, 2013
NOTICE NO. CMA/N-1/2018/11 – AMENDMENT NO.2

NOTICE ON LICENSING EXAMINATION



1. INTRODUCTION

- 1.1 This Notice is issued pursuant to Section 239 of the SMO and applies to holders of a CMSL, exempt persons, holders of a CMSRL and applicants of a CMSRL in complying with Regulation 40(3) of the SMR.

[Amendment No. 2 dated 1 February 2023]

- 1.2 Any provisions under the SMO which are inconsistent with the requirements in this Notice are deemed to have been varied by this Notice.

- 1.3 This Notice shall take effect on 2nd July 2018.

2. DEFINITIONS

- 2.1 For the purposes of this Notice: -

- 2.1.1 **“Authority” means** Brunei Darussalam Central Bank;

[Amendment No. 2 dated 1 February 2023]

- 2.1.2 **“CMSL” means** capital markets services licence;

- 2.1.3 **“CMSRL” means** capital markets services representative’s licence;

- 2.1.4 **“exempt person” means** any persons who are exempted by BDCB from holding a CMSL to conduct the regulated activity of dealing and arranging deals in investments and investment advice as a financial planner and has holders of CMSRL acting on their behalf and applicants of CMSRL who intend to act on their behalf;

[Amendment No. 2 dated 1 February 2023]

- 2.1.5 **“licensing examination” means** the licensing examination established or recognised by the Authority;

[Amendment No. 1 dated 13 May 2019]

- 2.1.6 **“SMO” means** the Securities Markets Order, 2013 and any regulations or other subsidiary legislation made thereunder;

- 2.1.7 **“SMR” means** the Securities Markets Regulations, 2015.



- 2.2 Any expression used in this Notice shall, except where expressly defined in this Notice or where the context requires, have the same meaning as in the SMO.

3. PURPOSE

- 3.1 The purpose of this Notice is to impose additional requirements and to vary existing requirements relating to licensing examinations following regulation 40(3) of the SMR.
- 3.2 Deleted.

[Amendment No. 1 dated 13 May 2019]

4. RELEVANT LICENSING EXAMINATIONS

- 4.1 Any holders and applicants of a CMSRL who conduct or intend to conduct any regulated activities under Part II of the Schedule, SMO must pass the relevant licensing examinations as specified in this Notice. This Notice shall not apply to the regulated activity of safekeeping and administration of assets.

- 4.2 The persons specified in paragraph 4.1 shall only take their licensing examinations from the following: -

- (a) The Brunei Institute of Leadership & Islamic Finance ["BILIF"], Brunei Darussalam;

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- (b) The Securities Industry Development Corporation ["SIDC"], Malaysia;

- (c) The Institute of Banking and Finance ["IBF"], Singapore; or

- (d) The Singapore College of Insurance ["SCI"], Singapore.

- 4.3 In fulfilment of paragraph 4.1 above, holders and applicants of a CMSRL must pass the relevant modules of the licensing examinations pertaining to the regulated activity that he conducts or intends to conduct.

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- 4.4 A CMSRL may be exempted from licensing examination requirements, wholly or partially, if so determined by the Authority.



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- 4.5 Descriptions of the licensing examination modules and further information on the modules applicable to regulated activities can be found on **BDCB's website**. The Authority may update the list of licensing examination modules from time to time.

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5. VALIDITY OF LICENSING EXAMINATION

- 5.1 Subject to paragraph 5.2 below and regulation 40(5) of the SMR, applicants will only be expected to pass the relevant licensing examinations once.

[Amendment No. 1 dated 13 May 2019]

- 5.2 Notwithstanding paragraph 5.1, an applicant who has passed the relevant licensing examination but: -

- (a) is not licensed with a holder of a CMSL or an exempt person; or
- (b) does not commence the relevant regulated activity with a holder of a CMSL or an exempt person,

within 3 years from the date of passing the licensing examination is required to retake the relevant licensing examination if they wish to carry out the relevant regulated activity.

[Amendment No. 1 dated 13 May 2019]

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6. OBLIGATIONS OF A HOLDER OF A CAPITAL MARKETS SERVICES LICENCE

- 6.1 A holder of a CMSL or an exempt person is required to maintain, or cause to be maintained, sufficient records for a period of not less than 7 years, on the applicability and fulfilment of any licensing examination(s) which is relevant to the regulated activities conducted by its representative(s). The records shall include, but are not limited to, the following: -

- (a) the type of regulated activity conducted by its representative(s);
- (b) the date on which its representative(s) passed the licensing examinations, where applicable;



- (c) in respect of such representative who is not required to pass certain modules of the licensing examinations under this Notice, to state the details thereof, if any; and
- (d) any other information as may be required by the Authority.

[Amendment No. 1 dated 13 May 2019]
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7. SUBMISSION OF INFORMATION

- 7.1 A holder of a CMSL or an exempt person shall provide and submit all relevant information as required by the Authority in relation to his representative so as to ensure satisfaction of the requirements set out in this Notice and regulations 40(3) and 40(5) of the SMR.

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ACTING MANAGING DIRECTOR
BRUNEI DARUSSALAM CENTRAL BANK



Appendix 1: [DELETED]

[Amendment Notice No. 2 dated 1 February 2023]



Appendix 2: [DELETED]

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