

SCHEDULE 6

[Section 229]

Excluded offers or excluded invitations

Part I

A. Excluded offers or excluded invitations made to accredited investors

1. An offer or invitation made to a unit trust scheme, prescribed investment scheme or private retirement scheme.
2. [Deleted]
3. An offer or invitation made to—
 - (a) a holder of a Capital Markets Services License; or
 - (b) an executive director or a chief executive officer of a holder of a Capital Markets Services License.
4. An offer or invitation made to a closed end fund approved by the Commission.
5. An offer or invitation made to a bank licensee or insurance licensee as defined under the Labuan Financial Services and Securities Act 2010.
6. An offer or invitation made to an Islamic bank licensee or takaful licensee as defined under the Labuan Islamic Financial Services and Securities Act 2010.
7. An offer or invitation made to a licensed institution as defined in the Banking and Financial Institutions Act 1989 or an Islamic bank as defined in the Islamic Banking Act 1983.
8. An offer or invitation made to an insurance company registered under the Insurance Act 1996 or a takaful operator registered under the Takaful Act 1984.

B. Excluded offers or excluded invitations made to high net worth entity

9. An offer or invitation made to—
 - (a) a company that is registered as a trust company under the Trust Companies Act 1949 which has assets under management exceeding ten million ringgit or its equivalent in foreign currencies; or
 - (b) a corporation that is a public company under the Companies Act 1965 which is approved by the Commission to be a trustee under the Act and has assets under management exceeding ten million ringgit or its equivalent in foreign currencies.

10. An offer or invitation made to—
 - (a) a corporation with total net assets exceeding ten million ringgit or its equivalent in foreign currencies based on the last audited accounts; or
 - (b) a partnership with total net assets exceeding ten million ringgit or its equivalent in foreign currencies.
11. An offer or invitation made to a statutory body established by an Act of Parliament or an enactment of any State.
12. An offer or invitation made to a pension fund approved by the Director General of Inland Revenue under section 150 of the Income Tax Act 1967 [Act 53].

C. Excluded offers or excluded invitations made to high net worth individual

13. An offer or invitation made to an individual—
 - (a) whose total net personal assets, or total net joint assets with his or her spouse, exceed three million ringgit or its equivalent in foreign currencies, excluding the value of the individual's primary residence;
 - (b) who has a gross annual income exceeding three hundred thousand ringgit or its equivalent in foreign currencies per annum in the preceding twelve months; or
 - (c) who, jointly with his or her spouse, has a gross annual income exceeding four hundred thousand ringgit or its equivalent in foreign currencies per annum in the preceding twelve months.

SCHEDULE 7

[Section 230]

Excluded issues

Part I

A. Excluded issues made to accredited investors

1. An issue made to a unit trust scheme, prescribed investment scheme or private retirement scheme.
2. An issue made to a holder of a Capital Markets Services License.
3. An issue made to an executive director or a chief executive officer of a holder of a Capital Markets Services License.
4. An issue made to a closed end fund approved by the Commission.
5. An issue made to a bank licensee or insurance licensee as defined under the Labuan Financial Services and Securities Act 2010.
6. An issue made to an Islamic bank licensee or takaful licensee as defined under the Labuan Islamic Financial Services and Securities Act 2010.
7. An issue made to a licensed institution as defined in the Banking and Financial Institutions Act 1989 or an Islamic bank as defined in the Islamic Banking Act 1983.
8. An issue made to an insurance company registered under the Insurance Act 1996 or a takaful operator registered under the Takaful Act 1984.

B. Excluded Issues made to High-Net Worth Entities

9. An issue made to—
 - (a) a company that is registered as a trust company under the Trust Companies Act 1949 which has assets under management exceeding ten million ringgit or its equivalent in foreign currencies; or
 - (b) a corporation that is a public company under the Companies Act 1965 which is approved by the Commission to be a trustee under the Act and has assets under management exceeding ten million ringgit or its equivalent in foreign currencies.
10. An issue made to—
 - (a) a corporation with total net assets exceeding ten million ringgit or its equivalent in foreign currencies based on the last audited accounts; or
 - (b) a partnership with total net assets exceeding ten million ringgit or its equivalent in foreign currencies.

11. An issue made to a statutory body established by an Act of Parliament or an enactment of any State.
12. An issue made to a pension fund approved by the Director General of Inland Revenue under section 150 of the Income Tax Act 1967.

C. Excluded Issues made to High-Net Worth Individuals

13. An offer or invitation made to an individual—
 - (a) whose total net personal assets, or total net joint assets with his or her spouse, exceed three million ringgit or its equivalent in foreign currencies, excluding the value of the individual's primary residence;
 - (b) who has a gross annual income exceeding three hundred thousand ringgit or its equivalent in foreign currencies per annum in the preceding twelve months;
or
 - (c) who, jointly with his or her spouse, has a gross annual income exceeding four hundred thousand ringgit or its equivalent in foreign currencies per annum in the preceding twelve months.