L.N. 140 of 2009

FINANCIAL MARKETS ACT (CAP. 345)

Designated Financial Instruments Regulations, 2009

IN exercise of the powers conferred by articles 28 and 30 of the Financial Markets Act, the Minister of Finance, the Economy and Investment after consultation with the Malta Financial Services Authority, has made the following regulations:

Title and commencement.

1. (1) The title of these regulations is the Designated Financial Instruments Regulations, 2009.

(2) These regulations shall come into force on such date as the Minister of Finance, the Economy and Investment may by notice in the Gazette establish.

Interpretation.

2. In these regulations unless the context otherwise requires:

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"the Act" means the Financial Markets Act and the words and expressions used shall have the same meaning as is given to them in the said Act, unless otherwise defined herein; and

"the Registrar" has the same meaning assigned to it under the Companies Act.

Designated financial instruments for the purposes of Part IV of the Act.

3. The following categories or classes of financial instruments, whose register is maintained in a central securities depository, shall be considered as "designated financial instruments" for the purposes of Part IV of the Act:

(a) shares in companies and other securities equivalent to shares in companies, partnerships or other entities, and depository receipts in respect of shares;

(b) bonds or other forms of securitised debt, including depository receipts in respect of such securities and including government stocks; and

(c) treasury bills.

Public access in terms of article 28 (5) of the Act.

4. (1) The information specified in sub-regulation (2) hereof in relation to the designated financial instruments set out in paragraphs (a) and (b) of regulation 3 shall be open to the inspection of any person in terms of article 28(5) of the Act.

(2) The following information shall be available for public inspection:

(a) in the case of shares in companies, partnerships or other entities and other securities equivalent to shares in companies, partnerships or other entities:

i. the names and addresses of the holders thereof;

ii. a statement of the number of shares held by each holder;

iii. any pledges thereon within the meaning of Title XXI of Part II of Book Second of the Civil Code;

Cap. 16.

(b) in the case of bonds or other forms of securitized debt in companies, partnerships or other entities:

i. any pledges thereon within the meaning of Title XXI of Part II of Book Second of the Civil Code.

Place for public inspection.

5. (1) A central securities depository shall provide the Registrar, on a daily basis and by such means and in such format including electronic communication as may be required, with an updated record of the information referred to in regulation 4, and shall for this purpose from time to time enter

(2) The Registrar shall make any information provided by a central securities depository in terms of sub-regulation (1) hereof, available to the public.

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