

DRAFT AMENDMENTS TO MAS NOTICE 757

28 May 2004

Last Revised on [Date of Amendment]

NOTICE TO BANKS

BANKING ACT, CAP. 19

MAS Notice 757 dated 20 March 2002 is cancelled.

LENDING OF SINGAPORE DOLLAR TO NON-RESIDENT FINANCIAL INSTITUTIONS

1 Scope

1.1 This Notice issued pursuant to section 55 of the Banking Act (Cap. 19) governs the lending of S\$ by banks to non-resident financial institutions.

1.2 This Notice does not apply to the lending of S\$ to individuals and non-financial institutions (including corporate treasury centres).

1.3 This Notice does not permit banks to engage in financial activities beyond the scope of their licenses or in contravention of the Banking Act (Cap. 19) or other MAS Notices, Directions or Guidelines.

2 Definitions

2.1 In this Notice:

2.1.1 "Entities" include legal entities, partnerships/firms and other forms of business vehicles.

2.1.2 "Financial institutions" means entities whose main business is in financial services, including one or more of the following:

- (a) banking
- (b) merchant banking
- (c) investment banking

- (d) financing
- (e) insurance
- (f) ~~securities dealing~~ dealing in capital market products
- (g) asset / fund management (including hedge funds)
- (h) money, futures, and prime brokering
- (i) other types of financial activity that MAS may designate in writing.

2.1.3 “Non-residents” means entities which do not fall within the definition of a resident.

2.1.4 “Residents” means:

- (a) companies which are at least 50% owned by Singapore citizens; or
- (b) the following financial institutions in Singapore which are subject to MAS Notices 109, 757, 816, 1105 or SFA 04-N04 ~~on “Lending of Singapore Dollar to Non-Resident Financial Institutions”~~:
 - (i) a bank licensed under the Banking Act (Cap. 19);
 - (ii) a merchant bank approved under section 28 of the Monetary Authority of Singapore Act (Cap. 186);
 - (iii) a finance company licensed under the Finance Companies Act (Cap. 108);
 - (iv) a registered insurer (other than a captive insurer) under the Insurance Act (Cap. 142); and
 - (v) ~~and~~ a person holding a capital markets services licence to carry on a business of dealing in capital market products that are securities, units in a collective investment scheme or securities-based derivatives contracts ~~securities~~ under the Securities and Futures Act (Cap. 289).

2.1.5 “S\$ credit facilities” include loans, contingent credit lines and foreign exchange swaps involving a sale of S\$ to a non-resident financial institution in the first leg of the transaction.

3 S\$ Credit Facilities

3.1 Banks may lend S\$ to non-resident financial institutions for any purpose whether in Singapore or elsewhere as long as the aggregate S\$ credit facilities do not exceed S\$5 million per entity¹.

3.2 For the amounts exceeding S\$5 million per entity, the following conditions apply:

- (a) Where the S\$ proceeds are to be used outside Singapore, banks shall ensure that the S\$ proceeds are swapped or converted into foreign currency upon draw-down.
- (b) Notwithstanding paragraph 3.2(a), banks may extend temporary S\$ overdrafts of any amount to vostro accounts of non-resident financial institutions for the purpose of preventing settlement failures. However, banks must take reasonable efforts to ensure that the overdrafts are covered within two business days.
- (c) Notwithstanding paragraph 3.2(a) and (b), banks shall not extend S\$ credit facilities to non-resident financial institutions if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.

3.3 Banks are required to report to MAS, monthly, their aggregate outstanding S\$ lending to non-resident financial institutions in the format in Appendix 1. A nil return is required. All information required in Appendix 1 shall be submitted to the Monetary Management Division, MAS no later than 10 working days after the reporting month. Banks shall keep documentary evidence supporting these S\$ credit facilities for audit and inspection purposes.

4 S\$ Equity and Bond Issuance

4.1 Banks may arrange S\$ equity or bond issues for non-resident financial institutions. If the S\$ proceeds are to be used outside Singapore, they shall be swapped or converted into foreign currency before remitting abroad.

5 Consultation Procedure

5.1 Should banks need to consult MAS, they may write to:

¹ For financial institutions seeking to obtain S\$ credit facilities, each subsidiary is considered a separate entity while the Head Office and all overseas branches are collectively regarded as one entity.

Monetary Management Division, MAS
10 Shenton Way, MAS Building
26th Floor
Singapore 079117
Fax: 62299491
Email: sgdiv@mas.gov.sg

* Endnotes on History of Amendments

1. MAS Notice 757 (Amendment) 2017 with effect from [Date of Commencement].

DRAFT AMENDMENTS TO MAS NOTICE 109

28 May 2004

Last Revised on [Date of Amendment]

NOTICE TO INSURERS

INSURANCE ACT, CAP. 142

~~This Notice does not apply to captive insurers.~~

MAS Notice 109 dated 20 March 2002 is cancelled.

LENDING OF SINGAPORE DOLLAR TO NON-RESIDENT FINANCIAL INSTITUTIONS

1 Scope

1.1 This Notice issued pursuant to section 64(2) of the Insurance Act (Cap. 142) governs the lending of S\$ by insurers to non-resident financial institutions.

1.2 ~~This Notice does not apply to captive insurers.~~

1.3 This Notice does not apply to the lending of S\$ to individuals and non-financial institutions (including corporate treasury centres).

1.4 This Notice does not permit insurers to engage in financial activities beyond the scope of their registrations or in contravention of the Insurance Act (Cap. 142) or Insurance Regulations, or other MAS Notices, Directions or Guidelines.

2 Definitions

2.1 In this Notice:

2.1.1 "Entities" include legal entities, partnerships/firms and other forms of business vehicles.

2.1.2 "Financial institutions" means entities whose main business is in financial services, including one or more of the following:

- (a) banking
- (b) merchant banking

- (c) investment banking
- (d) financing
- (e) insurance
- (f) ~~securities dealing~~ dealing in capital market products
- (g) asset / fund management (including hedge funds)
- (h) money, futures, and prime brokering
- (i) other types of financial activity that MAS may designate in writing.

2.1.3 “Non-residents” means entities which do not fall within the definition of a resident.

2.1.4 “Residents” means:

- (a) companies which are at least 50% owned by Singapore citizens; or
- (b) the following financial institutions in Singapore which are subject to MAS Notices 109, 757, 816, 1105 or SFA 04-N04 on ~~“Lending of Singapore Dollar to Non-Resident Financial Institutions”~~:
 - (i) a bank licensed under the Banking Act (Cap. 19);
 - (ii) a merchant bank approved under section 28 of the Monetary Authority of Singapore Act (Cap. 186);
 - (iii) a finance company licensed under the Finance Companies Act (Cap. 108);
 - (iv) a registered insurer (other than a captive insurer) under the Insurance Act (Cap. 142); and
 - (v) a person holding a capital markets services licence to carry on a business of dealing in capital market products that are securities, units in a collective investment scheme or securities-based derivatives contracts ~~securities~~ under the Securities and Futures Act (Cap. 289).

2.1.5 “S\$ credit facilities” include loans, contingent credit lines and foreign exchange swaps involving a sale of S\$ to a non-resident financial institution in the first leg of the transaction.

3 S\$ Credit Facilities

3.1 Insurers may lend S\$ to non-resident financial institutions for any purpose whether in Singapore or elsewhere as long as the aggregate S\$ credit facilities do not exceed S\$5 million per entity¹.

3.2 For the amounts exceeding S\$5 million per entity, the following conditions apply:

(a) Where the S\$ proceeds are to be used outside Singapore, insurers shall ensure that the S\$ proceeds are swapped or converted into foreign currency upon draw-down.

(b) Notwithstanding paragraph 3.2(a), insurers shall not extend S\$ credit facilities to non-resident financial institutions if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.

3.3 Insurers are required to report to MAS, monthly, their aggregate outstanding S\$ lending to non-resident financial institutions in the format in Appendix 1. A nil return is required. All information required in Appendix 1 shall be submitted to the Monetary Management Division, MAS no later than 10 working days after the reporting month. Insurers shall keep documentary evidence supporting these S\$ credit facilities for audit and inspection purposes.

4 Consultation Procedure

4.1 Should insurers need to consult MAS, they may write to:

Monetary Management Division, MAS
10 Shenton Way, MAS Building
26th Floor
Singapore 079117
Fax: 62299491
Email: sgdiv@mas.gov.sg

*** Endnotes on History of Amendments**

1. **MAS Notice 109 (Amendment) 2017 with effect from [Date of Commencement].**

¹ For financial institutions seeking to obtain S\$ credit facilities, each subsidiary is considered a separate entity while the Head Office and all overseas branches are collectively regarded as one entity.

DRAFT AMENDMENTS TO MAS NOTICE 816

28 May 2004

Last Revised on [Date of Amendment]

NOTICE TO FINANCE COMPANIES

FINANCE COMPANIES ACT, CAP. 108

MAS Notice 816 dated 20 March 2002 is cancelled.

LENDING OF SINGAPORE DOLLAR TO NON-RESIDENT FINANCIAL INSTITUTIONS

1 Scope

1.1 This Notice issued pursuant to section 30 of the Finance Companies Act (Cap. 108) governs the lending of S\$ by finance companies to non-resident financial institutions.

1.2 This Notice does not apply to the lending of S\$ to individuals and non-financial institutions (including corporate treasury centres).

1.3 This Notice does not permit finance companies to engage in financial activities beyond the scope of their licences or in contravention of the Finance Companies Act (Cap. 108) or other MAS Notices, Directions or Guidelines.

2 Definitions

2.1 In this Notice:

2.1.1 "Entities" include legal entities, partnerships/firms and other forms of business vehicles.

2.1.2 "Financial institutions" means entities whose main business is in financial services, including one or more of the following:

- (a) banking
- (b) merchant banking
- (c) investment banking
- (d) financing
- (e) insurance
- (f) ~~securities dealing~~ dealing in capital market products

- (g) asset / fund management (including hedge funds)
- (h) money, futures, and prime brokering
- (i) other types of financial activity that MAS may designate in writing.

2.1.3 “Non-residents” means entities which do not fall within the definition of a resident.

2.1.4 “Residents” means:

- (a) companies which are at least 50% owned by Singapore citizens; or
- (b) the following financial institutions in Singapore which are subject to MAS Notices 109, 757, 816, 1105 or SFA 04-N04 on ~~“Lending of Singapore Dollar to Non-Resident Financial Institutions”~~:
 - (i) a bank licensed under the Banking Act (Cap. 19);
 - (ii) a merchant bank approved under section 28 of the Monetary Authority of Singapore Act (Cap. 186);
 - (iii) a finance company licensed under the Finance Companies Act (Cap. 108);
 - (iv) a registered insurer (other than a captive insurer) under the Insurance Act (Cap. 142); ~~and~~
 - (v) ~~and~~ a person holding a capital markets services licence to carry on a business of dealing in capital market products that are securities, units in a collective investment scheme or securities-based derivatives contracts ~~—securities~~ under the Securities and Futures Act (Cap. 289).

2.1.5 “S\$ credit facilities” include loans, contingent credit lines and foreign exchange swaps involving a sale of S\$ to a non-resident financial institution in the first leg of the transaction.

3 S\$ Credit Facilities

3.1 Finance companies may lend S\$ to non-resident financial institutions for any purpose whether in Singapore or elsewhere as long as the aggregate S\$ credit facilities do not exceed S\$5 million per entity¹.

3.2 For the amounts exceeding S\$5 million per entity, the following conditions apply:

(a) Where the S\$ proceeds are to be used outside Singapore, finance companies shall ensure that the S\$ proceeds are swapped or converted into foreign currency upon draw-down.

(b) Notwithstanding paragraph 3.2(a), finance companies shall not extend S\$ credit facilities to non-resident financial institutions if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.

3.3 Finance companies are required to report to MAS, monthly, their aggregate outstanding S\$ lending to non-resident financial institutions in the format in Appendix 1. A nil return is required. All information required in Appendix 1 shall be submitted to the Monetary Management Division, MAS no later than 10 working days after the reporting month. Finance companies shall keep documentary evidence supporting these S\$ credit facilities for audit and inspection purposes.

4 S\$ Equity and Bond Issuance

4.1 Finance companies may arrange S\$ equity or bond issues for non-resident financial institutions. If the S\$ proceeds are to be used outside Singapore, they shall be swapped or converted into foreign currency before remitting abroad.

5 Consultation Procedure

5.1 Should finance companies need to consult MAS, they may write to:

Monetary Management Division, MAS
10 Shenton Way, MAS Building
26th Floor
Singapore 079117
Fax: 62299491
Email: sgddiv@mas.gov.sg

¹ For financial institutions seeking to obtain S\$ credit facilities, each subsidiary is considered a separate entity while the Head Office and all overseas branches are collectively regarded as one entity.

* Endnotes on History of Amendments

1. MAS Notice 816 (Amendment) 2017 with effect from [Date of Commencement].

DRAFT AMENDMENTS TO MAS NOTICE 1105

28 May 2004

Last Revised on [Date of Amendment]

NOTICE TO MERCHANT BANKS

MAS Notice 1105 dated 20 March 2002 is cancelled.

LENDING OF SINGAPORE DOLLAR TO NON-RESIDENT FINANCIAL INSTITUTIONS

1 Scope

1.1 This Notice issued pursuant to section 28(3) of the Monetary Authority of Singapore Act (Cap. 186) governs the lending of S\$ by merchant banks to non-resident financial institutions.

1.2 This Notice does not apply to the lending of S\$ to individuals and non-financial institutions (including corporate treasury centres).

1.3 This Notice does not permit merchant banks to engage in financial activities beyond the scope of the Guidelines for Operation of Merchant Banks or in contravention of other MAS Notices, Directions or Guidelines.

2 Definitions

2.1 In this Notice:

2.1.1 "Entities" include legal entities, partnerships/firms and other forms of business vehicles.

2.1.2 "Financial institutions" means entities whose main business is in financial services, including one or more of the following:

- (a) banking
- (b) merchant banking
- (c) investment banking
- (d) financing
- (e) insurance
- (f) ~~securities dealing~~ dealing in capital market products
- (g) asset / fund management (including hedge funds)

- (h) money, futures, and prime brokering
- (i) other types of financial activity that MAS may designate in writing.

2.1.3 “Non-residents” means entities which do not fall within the definition of a resident.

2.1.4 “Residents” means:

- (a) companies which are at least 50% owned by Singapore citizens; or
- (b) the following financial institutions in Singapore which are subject to MAS Notices 109, 757, 816, 1105 or SFA 04-N04 on ~~“Lending of Singapore Dollar to Non-Resident Financial Institutions”~~:
 - (i) a bank licensed under the Banking Act (Cap. 19);
 - (ii) a merchant bank approved under section 28 of the Monetary Authority of Singapore Act (Cap. 186);
 - (iii) a finance company licensed under the Finance Companies Act (Cap. 108);
 - (iv) a registered insurer (other than a captive insurer) under the Insurance Act (Cap. 142); **and**
 - (v) ~~and~~ a person holding a capital markets services licence to carry on a business of dealing in **capital market products that are securities, units in a collective investment scheme or securities-based derivatives contracts**~~–securities~~ under the Securities and Futures Act (Cap. 289).

2.1.5 “S\$ credit facilities” include loans, contingent credit lines and foreign exchange swaps involving a sale of S\$ to a non-resident financial institution in the first leg of the transaction.

3 S\$ Credit Facilities

3.1 Merchant banks may lend S\$ to non-resident financial institutions for any purpose whether in Singapore or elsewhere as long as the aggregate S\$ credit facilities do not exceed S\$5 million per entity¹.

3.2 For the amounts exceeding S\$5 million per entity, the following conditions apply:

- (a) Where the S\$ proceeds are to be used outside Singapore, merchant banks shall ensure that the S\$ proceeds are swapped or converted into foreign currency upon draw-down.
- (b) Notwithstanding paragraph 3.2(a), merchant banks may extend temporary S\$ overdrafts of any amount to vostro accounts of non-resident financial institutions for the purpose of preventing settlement failures. However, merchant banks must take reasonable efforts to ensure that the overdrafts are covered within two business days.
- (c) Notwithstanding paragraph 3.2(a) and 3.2(b), merchant banks shall not extend S\$ credit facilities to non-resident financial institutions if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.

3.3 Merchant banks are required to report to MAS, monthly, their aggregate outstanding S\$ lending to non-resident financial institutions in the format in Appendix 1. A nil return is required. All information required in Appendix 1 shall be submitted to the Monetary Management Division, MAS no later than 10 working days after the reporting month. Merchant banks shall keep documentary evidence supporting these S\$ credit facilities for audit and inspection purposes.

4 S\$ Equity and Bond Issuance

4.1 Merchant banks may arrange S\$ equity or bond issues for non-resident financial institutions. If the S\$ proceeds are to be used outside Singapore, they shall be swapped or converted into foreign currency before remitting abroad.

5 Consultation Procedure

5.1 Should merchant banks need to consult MAS, they may write to:

¹ For financial institutions seeking to obtain S\$ credit facilities, each subsidiary is considered a separate entity while the Head Office and all overseas branches are collectively regarded as one entity.

Monetary Management Division, MAS
10 Shenton Way, MAS Building
26th Floor
Singapore 079117
Fax: 62299491
Email: sgdiv@mas.gov.sg

* Endnotes on History of Amendments

1. MAS Notice 1105 (Amendment) 2017 with effect from [Date of Commencement].

DRAFT AMENDMENTS TO SFA 04-N04

28 May 2004

Last Revised on [Date of Amendment]

SECURITIES AND FUTURES ACT, CAP. 289

MAS Notice 1201 dated 20 March 2002 is cancelled.

NOTICE ON LENDING OF SINGAPORE DOLLAR TO NON-RESIDENT FINANCIAL INSTITUTIONS FOR HOLDERS OF CAPITAL MARKETS SERVICES LICENCE

~~This Notice is only applicable to licensees regulated to conduct dealing in securities.~~

1 Scope

1.1 This Notice issued pursuant to section 101 of the Securities and Futures Act (Cap. 289) governs the lending of S\$ by Capital Markets Services Licence Holders (~~“licensees”~~) to non-resident financial institutions.

~~1.2 This Notice does not apply to the lending of S\$ to individuals and non-financial institutions (including corporate treasury centres).~~

~~1.3 This Notice does not permit licensees to engage in financial services beyond the scope of their licences or in contravention of the Securities and Futures Act or other MAS Notices, Directions or Guidelines.~~

1.2 This Notice is only applicable to holders of a capital markets services licence to carry on a business of dealing in capital market products that are securities, units in a collective investment scheme or securities-based derivatives contracts (~~“licensees”~~).

1.3 This Notice does not apply to the lending of S\$ to individuals and non-financial institutions (including corporate treasury centres).

1.4 This Notice does not permit licensees to engage in financial services beyond the scope of their licences or in contravention of the Securities and Futures Act (Cap. 289) or other MAS Notices, Directions or Guidelines.

2 Definitions

2.1 In this Notice:

2.1.1 "Entities" include legal entities, partnerships/firms and other forms of business vehicles.

2.1.2 "Financial institutions" means entities whose main business is in financial services, including one or more of the following:

- (a) banking
- (b) merchant banking
- (c) investment banking
- (d) financing
- (e) insurance
- (f) ~~securities dealing~~ dealing in capital market products
- (g) asset / fund management (including hedge funds)
- (h) money, futures, and prime brokering
- (i) other types of financial activity that MAS may designate in writing.

2.1.3 "Non-residents" means entities which do not fall within the definition of a resident.

2.1.4 "Residents" means:

- (a) companies which are at least 50% owned by Singapore citizens; or
- (b) the following financial institutions in Singapore which are subject to MAS Notices 109, 757, 816, 1105 or SFA 04-N04 on ~~"Lending of Singapore Dollar to Non-Resident Financial Institutions"~~:
 - (i) a bank licensed under the Banking Act (Cap. 19);
 - (ii) a merchant bank approved under section 28 of the Monetary Authority of Singapore Act (Cap. 186);
 - (iii) a finance company licensed under the Finance Companies Act (Cap. 108);
 - (iv) a registered insurer (other than a captive insurer) under the Insurance Act (Cap. 142); and

- (v) a person holding a capital markets services licence to carry on a business of dealing in **capital market products that are securities, units in a collective investment scheme or securities-based derivatives contracts**~~securities~~ under the Securities and Futures Act (Cap. 289).

2.1.5 “S\$ credit facilities” include loans, contingent credit lines and foreign exchange swaps involving a sale of S\$ to a non-resident financial institution in the first leg of the transaction.

3 S\$ Credit Facilities

3.1 Licensees may lend S\$ to non-resident financial institutions for any purpose whether in Singapore or elsewhere as long as the aggregate S\$ credit facilities do not exceed S\$5 million per entity¹.

3.2 For the amounts exceeding S\$5 million per entity, the following conditions apply:

- (a) Where the S\$ proceeds are to be used outside Singapore, licensees shall ensure that the S\$ proceeds are swapped or converted into foreign currency upon draw-down.
- (b) Notwithstanding paragraph 3.2(a), licensees shall not extend S\$ credit facilities to non-resident financial institutions if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.

3.3 Licensees are required to report to MAS, monthly, their aggregate outstanding S\$ lending to non-resident financial institutions in the format in Appendix 1. A nil return is required. All information required in Appendix 1 shall be submitted to the Monetary Management Division, MAS not later than 10 working days after the reporting month. Licensees shall keep documentary evidence supporting these S\$ credit facilities for audit and inspection purposes.

4 S\$ Equity and Bond Issuance

4.1 Licensees may arrange S\$ equity or bond issues for non-resident financial institutions. If the S\$ proceeds are to be used outside Singapore, they shall be swapped or converted into foreign currency before remitting abroad.

¹ For financial institutions seeking to obtain S\$ credit facilities, each subsidiary is considered a separate entity while the Head Office and all overseas branches are collectively regarded as one entity.

5 Consultation Procedure

5.1 Should licensees need to consult MAS, they may write to:

Monetary Management Division, MAS
10 Shenton Way, MAS Building
26th Floor
Singapore 079117
Fax: 62299491
Email: sgddiv@mas.gov.sg

*** Endnotes on History of Amendments**

1. MAS Notice SFA 04-N04 (Amendment) 2017 with effect from [Date of Commencement].