



Bangladesh Securities and Exchange Commission

NOTICE

Dated 01 July 2024

The Bangladesh Securities and Exchange Commission (BSEC) hereby publishes the following draft amendment to the Bangladesh Securities and Exchange Commission (Risk Based Capital Adequacy) Rules, 2019 in the newspaper as per requirement of sub-section (1) of section 24 of the বাংলাদেশ সিকিউরিটিজ অ্যান্ড এক্সচেঞ্জ কমিশন আইন, ১৯৯৩ (১৯৯৩ সনের ১৫ নং আইন), for eliciting public opinion, etc.

Opinion, advice or objection, if any thereon will have to be sent to the following address within two weeks from the date of publication of this Notice. Mentionable here that the draft amendment can be found in the following web link and scanning the QR code.

* Web link to download the draft amendment:

[https://sec.gov.bd/crequest/Amendment_Notification_of_BSEC_\(Risk_Based_Capital_Adequacy\)_Rules,_2019_01.07.2024.pdf](https://sec.gov.bd/crequest/Amendment_Notification_of_BSEC_(Risk_Based_Capital_Adequacy)_Rules,_2019_01.07.2024.pdf)

* QR code to find the draft amendment:



Address for sending opinion/advice or objection:

Chairman

Bangladesh Securities and Exchange Commission
Securities Commission Bhaban
E-6/C, Agargaon
Sher-e-Bangla Nagar Administrative Area
Dhaka-1207

Email: chairman@sec.gov.bd copy to: mehran@sec.gov.bd

Notification

Dated:01 July 2024

No. BSEC/CMRRCD/-----/--/PRD/---.— In exercise of the powers conferred by sub-section (1) of section 24 of the বাংলাদেশ সিকিউরিটিজ অ্যান্ড এক্সচেঞ্জ কমিশন আইন, ১৯৯৩ (১৯৯৩ সনের ১৫ নং আইন), the Bangladesh Securities and Exchange Commission (BSEC) hereby, proposes the following amendment to the Bangladesh Securities and Exchange Commission (Risk Based Capital Adequacy) Rules, 2019, namely:-

1. The full-stop (.) after clause (b) of rule 3 shall be replaced by the colon (:) and a new proviso shall be inserted as follows: -

“Provided that if any registered entity is not operating as a separate entity for its mandated capital market operation and there is no regulatory requirement to have a separate entity or subsidiary for the capital market operation, such entity shall follow the guidance of its primary regulator regarding financial reporting and disclosure.

[Explanation: If any company registered with its primary regulator to operate its main function, additionally, get any registration from the Commission to operate in the capital market without having any separate entity or subsidiary and there is no regulatory requirement to do so, such company is considered as “not operating as a separate entity”. For example, a bank company whose primary regulator is Bangladesh Bank for its main function i.e., banking and also registered as a “Custodian” or “Securities custodian” with the Commission to operate in the capital market. If that bank company is operating as custodian or securities custodian along with its main function and does not have any subsidiary for the aforesaid capital market operation, such custodian or securities custodian shall be considered as “not operating as a separate entity”.]

2. A new clause (e) shall be inserted after clause (d) of sub-rule (1) of rule 4 as follows: -

“(e) Any registered entity is not operating as a separate entity for the mandated capital market operation and there is no regulatory requirement to have a separate entity or subsidiary for the capital market operation, shall maintain the total capital calculated as per sub-rule (2) of Rule 5.”

3. A new sub-rule (9) shall be inserted after sub-rule (8) of rule 6 as follows: -

“(9) Any registered entity is not operating as a separate entity for the mandated capital market operation and there is no regulatory requirement to have a separate entity or subsidiary for the capital market operation, shall follow the regulatory capital requirement of respective primary regulator (if any):

Provided that total capital requirement calculated as per sub-rule (2) of Rule 5 shall not be less than the regulatory capital requirement of the primary regulator.”

4. A new sub-rule (10) shall be inserted after sub-rule (9) of rule 6 as follows: -

“(10) If any registered entity has multiple registrations for various categories of capital market operations, it shall maintain the highest regulatory capital requirement:

Provided that the above requirement is not applicable for those who are falling under sub-rule (9).”

5. The full stop after sub-rule (1) of rule 9 shall be replaced with colon (:) and a new proviso shall be inserted as follows:

“Provided that if any registered entity is not operating as a separate entity for the capital market operation, shall submit the report of Total Capital as required under clause (c) of sub-rule (2).”

By order of the Bangladesh Securities and Exchange Commission,

Professor Shibli Rubayat-Ul-Islam
Chairman.