

## SCHEDULES

### SCHEDULE 1

#### SPECIAL DEFENCES

##### *Market information*

- 2 (1) An individual is not guilty of insider dealing by virtue of dealing in securities or encouraging another person to deal if he shows that—
- (a) the information which he had as an insider was market information; and
  - (b) it was reasonable for an individual in his position to have acted as he did despite having that information as an insider at the time.
- (2) In determining whether it is reasonable for an individual to do any act despite having market information at the time, there shall, in particular, be taken into account—
- (a) the content of the information;
  - (b) the circumstances in which he first had the information and in what capacity; and
  - (c) the capacity in which he now acts.
- 3 An individual is not guilty of insider dealing by virtue of dealing in securities or encouraging another person to deal if he shows—
- (a) that he acted—
    - (i) in connection with an acquisition or disposal which was under consideration or the subject of negotiation, or in the course of a series of such acquisitions or disposals; and
    - (ii) with a view to facilitating the accomplishment of the acquisition or disposal or the series of acquisitions or disposals; and
  - (b) that the information which he had as an insider was market information arising directly out of his involvement in the acquisition or disposal or series of acquisitions or disposals.
- 4 For the purposes of paragraphs 2 and 3 market information is information consisting of one or more of the following facts—
- (a) that securities of a particular kind have been or are to be acquired or disposed of, or that their acquisition or disposal is under consideration or the subject of negotiation;
  - (b) that securities of a particular kind have not been or are not to be acquired or disposed of;
  - (c) the number of securities acquired or disposed of or to be acquired or disposed of or whose acquisition or disposal is under consideration or the subject of negotiation;
  - (d) the price (or range of prices) at which securities have been or are to be acquired or disposed of or the price (or range of prices) at which securities whose acquisition or disposal is under consideration or the subject of negotiation may be acquired or disposed of;

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*Status: This is the original version (as it was originally enacted).*

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- (e) the identity of the persons involved or likely to be involved in any capacity in an acquisition or disposal.