

Thesis Title : Legal Measures for Control Trustee's Business in Capital Market  
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## ABSTRACT

The initiative of trustee in the capital market shall be significant interest to the business development. As gaining confident from investors is a crucial goal to achieve, the trustee must strictly pursue the principle of "fiduciary duty". The trustee infringing such conduct of duty shall damage investors' confidentiality and the capital market as a whole. This thesis therefore is focused on the study and research of legal measurement in order to suggest the guidelines of control and regulation in doing trustee business in Thailand. The scope of the thesis shall be advised as followed:

1. Standard and requirements of trustee business before carrying on trust management. To achieve such task, the entry system shall be set up including related effective tools for regulators in order to maintain trustworthiness.
2. Protection and remedy schemes for the investors as beneficiaries, from the trustees violating the fiduciary duty.

These proposals came from the study of similar business in the capital market as the fiduciary duty is required, for example: mutual fund, private fund, debenture representative, mutual fund holding and etc.

In addition, the comparative laws in the United States of America and the Special District of Hong Kong are brought up to supplement our study and strengthen the proposals. Trustee business controls in these 2 territories have far advanced especially in terms of qualification, financial status, financial system, administrative system, professional standard and remedy scheme.

The study advised that the outcome would be applied in the subordinate law subsequent to the enactment of the Trustee in Capital Market Act. The standard control would be leveled of what the standard of the similar business in Thailand and these 2 territories have performed. Furthermore, other new requirements such as security deposit should be introduced to support the fiduciary duty.

