

1. In the notification under section 58, Note 1 states the requirement that a resolution to be attached where necessary. Does this mean that any change of particulars such as expiry date of passport would also require a board resolution etc.?

Answer:

Resolutions is only required to be attached where there is a change in the appointment or removal of a director. Changes relating to the particulars of a director or officer such as the passport number, address etc. will not require any resolution.

2. Director's Service Address (*updated on 9 June 2017*)

If a director does not have any business address or e-mail address and his residential address is the only address used for communication, must the company notify SSM the service address?

Answer:

Yes "service address" as defined under section 2 is linked to section 58 (*similar to the previous Form 49 - with additional info on service address*). In this case the notification must be made to notify that the residential address and the service address are the same address. If there is a change in the name/residential/any prescribed particulars address these changes must be notified to SSM as well.

3. Does service address include telefax, any electronic transmission or messenger application? (*updated on 9 June 2017*)

Answer:

Service address is defined under section 2 as "service address", in relation to a director, means an address, electronic or otherwise, provided to the company to which any communication may be sent.

4. A company secretary had resigned and gave notice of her resignation to the Board of Directors. The directors agreed with the resignation and signed the resolution and further gave effect to this change.

Can the secretary lodge her resignation through MyCoID2016? *(updated on 24 September 2018)*

Answer:

The secretary who has resigned cannot act as the secretary of the company and any changes with SSM can be carried out by the directors or by the newly appointed secretary.

5. What action should a company take if there is a change in the nature of its business? *(updated on 15 November 2022)*

Answer:

A company must notify any change of the nature of its business within fourteen (14) days after such change. The company may refer to PD2/2017.

6. The applicant had lodged section 58 Form through MyCoID platform for the resignation of a director but did not include the resignation of his alternate director. How to update the resignation of the alternate director? *(updated on 10 March 2023)*

Answer:

Currently, the update of the resignation of an alternate director which was not included during the submission of section 58 Form through MyCoID may be made over the counter.

7. Are there any exemptions given for lodgement of section 58 which allows submission over the counter instead? *(updated on 10 March 2023)*

Answer:

Lodgement under section 58 is mandatory through MyCoID platform. However, there are exemptions as follows:

- (a) change of race and nationality;
- (b) name of director that has a special character;
- (c) change of identification document, eg. changes from passport to permanent residence card;
- (d) resignation of the secretary without a new appointment and requirement of Form section 58 to be signed by the director; or
- (e) to obtain permission from the registration officer to submit the application over the counter.

8. If the company encounters any of the situation above, can the applicant submit the application directly over the counter? *(updated on 10 March 2023)*

Answer:

For any lodgement over the counter, the applicant is required to obtain prior written confirmation from the registration officer to avoid any inconvenience.

9. Who should the applicant contact and how to obtain the permission from the registration officer to lodge section 58 Form over the counter? *(updated on 10 March 2023)*

Answer:

The applicant may contact the relevant registration officer or email to enquiry@ssm.com.my