

1. Please clarify if the entire Companies Act 2016 will be effected on 31 January 2017 or only the six services in MyCoID 2016 will be effected on 31 January 2017?

Answer:

Once enforced on 31 January 2017, all provisions in the Companies Act 2016 will take effect except section 241 and Division 8 of Part III. The six services under MyCoID is to facilitate the incorporation of companies under the new Act and related matters.

2. What is the procedure for filing Annual Returns for companies having AGMs prior to the commencement of the Companies Act 2016?

Answer:

- (a) For companies having AGM before 31 January 2017, the companies are required to submit the AR in accordance with the requirements under the Companies Act 1965.
- (b) With the exception of companies having the anniversary of the incorporation date on 31 January 2017, companies with anniversary of incorporation in January 2017 are not required to submit the Annual Return in 2017 as the Companies Act 2016 has yet to take effect. Such companies' first submission of Annual Return in compliance with the new Act will only happen in 2018.

3. With the decoupling of Financial Statements and Annual Returns submission, what will happen to the Financial Statements which have not been finalized and filed to Companies Commission Malaysia for previous years?

Answer:

Companies are still required to fully comply with the provisions under section 169 of the Companies Act 1965 in line with the transitional provision under subsection 620(4) of the Companies Act 2016.

Transitional Provisions Relating to Abolition of Nominal Value

4. Is a company which has no Share Premium account or Capital Redemption Reserve required to submit notification under subsection 618(8) or (9) with the Registrar? *(updated on 31 January 2019)*

Answer:

Such companies may submit such notification. If no notification is submitted the Registrar will invoke subsection 618(10) of the Companies Act 2016 at the end of the period referred to under subsection 618(8).

5. What is the period for lodging this notification? *(updated on 31 January 2019)*

Answer:

Pursuant to subsection 618(8), a company is required to submit the notice as follows:

- (a) the date it is required to lodge its annual return after the end of the period referred to under subsection 618(3); or
- (b) the expiry of 180 days after the end of the period referred to under subsection 618(3),

whichever is the earlier.

However, it is advisable for company to adhere to the following lodgment timeline:

Anniversary Date	Lodgment Period
Company having anniversary date on or before 30 June 2019	31 January 2019 till 30 April 2019
Company having anniversary date on or after 01 July 2019	2 May 2019 till 31 July 2019