

# COMPANIES ACT 2016. CHARGES - REGISTRATION, COMPLIANCE & PRACTICE

## COURSE INTRODUCTION

The term 'charges' refer to security given by a company over some or all its assets in favour of a creditor. This course will focus on all aspects of the registration of charges under the new Companies Act 2016 (Act 777). It will also deal with the relationship between the company and its creditors; and the implications in the event of default with the reference to such registration.

## COURSE OBJECTIVES

It is imperative for participants to know the importance of the registration of charges with the Registrar of Companies. Participants will learn the compliance and enforcement aspects from SSM Officers as well gain knowledge and exposure on practice issues from a practitioner.

## COURSE CONTENTS

- Legal requirements under Companies Act 2016 relating to charges.
- Enforcement for non-compliance relating to charges.
- Related issues with reference to SSM's perspective and judicial pronouncements.
- Procedures for the registration of charges and discharge of charges.
- Assignment of charges.
- Variation of charges.
- Common mistakes made when lodging documents with the Registrar.
- Checklist of information to be lodged with Registrar.
- Comparison of the provisions of the relevant sections of the Companies Act 1965 and those under the Companies Act 2016.
- Applications to Court for an extension of time to register charges or to amend particulars registered.
- Implication on creditors and liquidators if charges are not registered.

## LEARNING OUTCOME

By attending this programme, the participants will be able to:

- Gain insights into different types of company charges and legal requirements on their registration.
- Prepare checklist of documents to be lodged with the Registrar.
- Be aware of the implications in the event of default.

## ABOUT THE TRAINERS

**Mohamed Sufyan Mohd Mokhtar** is Head of Legal Services Section in the Companies Commission of Malaysia ('SSM'). He is also a qualified Mutual Evaluation Assessor under the Asia/Pacific Group on Money Laundering and Certified Trainer accredited by the Human Resources Development Fund Berhad. He has more than 20 years of experience in the legal field, beginning with legal practice in Kuala Lumpur and Kuantan. After ceasing practice in 1999, he joined the Securities Commission. He subsequently served in Pengurusan Danaharta Nasional Berhad, Malaysia's asset management agency, which was established in the aftermath of the 1997 Asian Financial Crisis. Mohamed Sufyan was educated at the Malay College Kuala Kangsar and London School of Economics & Political Science. He was admitted as a Barrister-at-Law (Inner Temple) in 1994 and as an Advocate & Solicitor of the High Court of Malaya, in 1995.

**Jamilah Taib** is Head of Unit, Charges, Registration Services Division in the Companies Commission of Malaysian (SSM). The function of the unit is to register charges, notices of assignment of charge, notice of variation in terms of charge, rectification of charge under section 361, Companies Act 2016 and register discharge of charge.

**Ooi Huey Ling** is a founding partner of the firm of Ranjit Ooi & Robert Low and leads the firm's corporate, commercial and insolvency practices, advising and representing clients in various aspects of corporate law, corporate/commercial documentation, corporate receivership and insolvency. She frequently acts for court and debenture appointed receivers and liquidators in compulsory and voluntary liquidations on a broad range of areas which often involve complex issues, including asset realization, advisory, investigative and litigation related issues. She also represents clients on commercial transactions including joint ventures, securities and real property disposals and acquisitions, investment agreements, debt restructuring, property development and those involving the amicable resolution of commercial disputes. Well-regarded for her extensive knowledge and ability to handle complex legal matters, she has represented and advised Malaysian public listed companies, conglomerates, international accounting firms as well as foreign law firms.

## WHO SHOULD ATTEND

Company secretaries, lawyers, legal advisers, company directors, bankers and any officers who are involved with work relating to charges.

DATE	VENUE	EVENT CODE
07 March 2018	Menara SSM@Sentral, Kuala Lumpur	CEP/KL/18/020
Time	9.00 am – 1.00 pm	
Training Methodology	Lecture and Case Discussion	
Fee (inclusive of 6% GST)	<b>RM318.00</b> Standard <b>RM265.00</b> Licensed Secretary. Member of MAICSA, MIA, Malaysian Bar, MACS, MICPA, Sabah Law Assoc. & Advocates Assoc. of Sarawak.	
SSM CPE Points	4	

*Fee inclusive of certificate of attendance, compact disc pre-loaded with seminar materials and refreshment.*

Use one form for each participant. Print or type clearly. This form can be downloaded from SSM's website at [www.ssm.com.my](http://www.ssm.com.my). Kindly make copies if more forms are needed.

Please register me for the below programme:

DATE	PROGRAMME

**PARTICIPANT DETAILS:** *(All details must be completed)*

Name \_\_\_\_\_

I/C No. \_\_\_\_\_ Licensed Secretary No. \_\_\_\_\_

Prescribed Body Name & Membership No. \_\_\_\_\_

Designation \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

Office Tel. No. \_\_\_\_\_ Fax No. \_\_\_\_\_ Mobile No. \_\_\_\_\_

Email Address \_\_\_\_\_  
*(Please provide your e-mail address as registration confirmation is sent to you via e-mail.)*

Tax Invoice to be issued in the name of \_\_\_\_\_

Name of HR personnel \_\_\_\_\_ Tel. No. \_\_\_\_\_

Vegetarian Meal     Other Diet \_\_\_\_\_

Payment by cheque no. \_\_\_\_\_ amount RM \_\_\_\_\_

**PAYMENT**

- Fee is payable to **SURUHANJAYA SYARIKAT MALAYSIA**
- Payment can be made in cash, cheque, bank draft, credit card, postal order or money order.
- Each programme fee must be paid separately.
- Only cheque issued by company/firm can be accepted. Companies/Firms that issue a non-valid cheque will be blacklisted.
- Personal cheque will not be accepted.
- On the reverse of each instrument of payment, please indicate the participant(s) name (maximum 5), License Secretary no. / Professional Body name (if any), programme date and event code.
- Attach with a copy of the Registration Form (if payment made before the programme date) or Invoice (if payment made after the programme date) when submitting payment.
- Payment can be made at SSM, Level 17, Menara SSM @ Sentral, Kuala Lumpur and at all SSM branches in Malaysia.

**PROGRAMME FEE**

COMTRAC's training and administration fees are subjected to 6% GST under the GST Act 2014. Fee is inclusive of certificate of attendance issued by the Companies Commission of Malaysia (SSM), a pre-loaded CD containing training materials, refreshments and lunch (where applicable).

**FAX YOUR REGISTRATION FORM AND SEND YOUR PAYMENT TO:**

COMTRAC, Level 12, Menara SSM @ Sentral, 7 Jalan Stesen Sentral 5, Kuala Lumpur Sentral, 50623 Kuala Lumpur  
 Tel: +(603) 2299 4440 (Zakhir) / 4441 (Priya) / 5308 (Fuza) Fax: +(603) 2299 4451 / 4452 Email: [comtrac@ssm.com.my](mailto:comtrac@ssm.com.my)

**TERMS & CONDITIONS**

Registration is on a first-come-first-served-basis. No walk-in accepted. All registrations MUST be submitted to SSM accompanied with the **full payment five (5) working days before the programme**. Admittance will not be permitted unless payment or letter of guarantee is received. Participant will be issued a Certificate of Attendance upon full attendance of the programme and payment or letter of guarantee is received.

**Cancellation**

No refund is entertained if participant decide to cancel their registration but a substitute is welcome. Written notification of substitute's name must be received by COMTRAC at least three (3) working days prior to programme. Any difference in fee will be charged accordingly. In cases of cancellation/postponement of programme by COMTRAC, the registration fee will be refunded.

**Transfer**

No refund is entertained if participant fails to attend a programme. Transfer of registration fee to another programme is not allowed.

**Replacement Of Certificate**

SSM will charge an administrative fee of RM30.00 (inclusive of 6% GST) per copy for any replacement of certificate due to errors in name or identification card number wrongly filled by participant / representative during registration or loss of certificate, etc.

**DISCLAIMER**

SSM reserves the right to cancel programme, change date(s), venue(s), speaker(s) or any other changes due to any unforeseen circumstances that may arise without prior notice to participants. Upon submitting the registration form, you are deemed to have read and accepted the terms and conditions.

**PSMB**

Suruhanjaya Syarikat Malaysia is registered as a training provider with **PSMB** under **KERAJAAN1846**.

**PERSONAL DATA PROTECTION NOTICE**

Your personal data and other information provided in this application and including any additional information you may subsequently provide, may be used and processed by COMTRAC / SSM as a reference in future to communicate with you on our training programmes/ events. In line with the Personal Data Protection Act 2010, we wish to get your agreement and consent for using your personal data. If you do not consent to the processing and disclosure of your personal data, you should send an e-mail to us at [comtrac@ssm.com.my](mailto:comtrac@ssm.com.my)