

**CHECK LIST**  
**APPLICATION SEEKING MINISTER'S APPROVAL**  
**BY COMPANIES LIMITED BY GUARANTEE**  
**UNDER COMPANIES ACT 1965**

## CHECK LIST

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**CORPORATE ADMINISTRATION SECTION  
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**A. APPLICATION SEEKING MINISTER'S APPROVAL TO DROP THE WORD "BERHAD" UNDER SECTION 24(1) COMPANIES ACT (CA) 1965 (NEW INCORPORATION)**

<b>1. DOCUMENTS TO BE ENCLOSED</b>	<b>COMPLETE</b>	<b>INCOMPLETE</b>
a. Application letter together with supporting documents stated in paragraph 4		
b. Original copy of Format 13A and letter for consideration on the usage of name		
<b>2. APPLICATION FEE</b>		
a. A payment of RM300 as the required fee for application to Minister and perusing the Memorandum and Article under the CA 1965. Payment can be made to Suruhanjaya Syarikat Malaysia by cash/ money order/ bank draft/ banker's cheque.		
<b>3. CONTENT OF APPLICATION LETTER</b>		
a. Justification for using the words Yayasan / Foundation / Institute and dropping "Berhad"		
b. Reasons for incorporating the company under the CA 1965 and not under Societies Act 1966		
c. Detailed activities to be carried out		
d. A statement from the company stating whether it has any connection with any local or foreign bodies or organization. If there is connection, the company is required to submit a copy of the agreement letter appointing the company as an affiliate in Malaysia		

**CORPORATE ADMINISTRATION SECTION  
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**A. APPLICATION SEEKING MINISTER'S APPROVAL TO DROP THE WORD "BERHAD" UNDER SECTION 24(1) COMPANIES ACT (CA) 1965 (NEW INCORPORATION)**

<b>4. SUPPORTING DOCUMENTS</b>			
a.	A statement of estimated income and expenditure for a period of two years after establishment. Estimated income and expenditure statement should show a contribution of at least RM 1 million from its donor. (Please refer to Example 4 for the format )		
b.	Statement from promoter or proposed director confirming whether such application has been made under Societies Act 1966. If yes, state the date and status of the application and address of the Registrar of the Societies.		
c.	<p>A letter from contributor/donor confirming the financial contribution to be made within 6 month from the date of incorporation.</p> <p>If the contributor / donor is an individual, he is required to forward a copy of bank statement / investment certificate / other documents which could prove the donor's ability to give the contribution.</p> <p>If the contributor /donor is a Company/ Organisation, it is required to forward a copy of the latest audit financial statement and a copy of the Directors' Resolution of the company/organization pertaining the approval of the contribution.</p>		
d.	A draft copy of Memorandum and Article		
e.	Any supporting letter or approval letter from any government agency for the use of the proposed name (if applicable)		

**CORPORATE ADMINISTRATION SECTION  
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**A. APPLICATION SEEKING MINISTER'S APPROVAL TO DROP THE WORD "BERHAD" UNDER SECTION 24(1) COMPANIES ACT (CA) 1965 (NEW INCORPORATION)**

f.	Biodata, qualification and exposure in charity activities of proposed director and promoter.( Please refer to Example 3 for the format)		
g.	Letters of consent from the proposed directors pertaining the appointment.		
<b>5.</b>	<b>SUBMISSION</b>		
a.	<p>Check list together with payment and documents stated in paragraph 1(a) are required to be submitted to the address below:</p> <p>SURUHANJAYA SYARIKAT MALAYSIA TINGKAT 13, PUTRA PLACE 100 JALAN PUTRA 50622 KUALA LUMPUR</p>		

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**B. APPLICATION SEEKING MINISTER'S APPROVAL TO DROP THE WORD "BERHAD" UNDER SECTION 24(2) COMPANIES ACT (CA) 1965**

1.	DOCUMENTS TO BE ENCLOSED	COMPLETE	INCOMPLETE
a.	Application letter together with supporting documents stated in paragraph 4		
2.	APPLICATION FEE		
a.	A payment of RM300 as the required fee for application to Minister and perusing the Memorandum and Article under the CA 1965. Payment can be made to Suruhanjaya Syarikat Malaysia by cash/ money order/ bank draft/ banker's cheque		
b.	Prelodgement form (please refer to Example 5 for the format)		
3.	CONTENT OF APPLICATION LETTER		
a.	Detail summary on application taking into account of the following: (i) Purpose / reason (ii) Justification (iii) Financial position for three years (iv) Income and Expenditure Statement for three years (v) Background of members of the Board of Director (vi) Listing of company's members (vii) Activities /programmes that have been carried out in the last three years		
4.	DOCUMENTS		
a.	A copy of the Certificate of Incorporation ( <b>Form 8</b> )		
b.	(i) A copy of existing M&A (ii) A copy of draft M&A pertaining to the amendments to drop the word Berhad		

**CORPORATE ADMINISTRATION SECTION  
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**B. APPLICATION SEEKING MINISTER'S APPROVAL TO DROP THE WORD "BERHAD" UNDER SECTION 24(2) COMPANIES ACT (CA) 1965**

c.	A copy of the letter from the Inland Revenue Board if apply for Tax Exempt Status		
d.	Members' resolution pertaining approval to drop the word Berhad and amendment of Memorandum and Article		
e.	Biodata for all the members of the Board of Directors		
f.	Latest audited Financial Statement for three years that have been table in Annual General Meeting		
g.	Any supporting letter from government agencies		
<b>5.</b>	<b>SUBMISSION</b>		
a.	<p>Check list together with payment and documents stated in paragraph 1(a) are required to be submitted to the address below:</p> <p>SURUHANJAYA SYARIKAT MALAYSIA TINGKAT 13, PUTRA PLACE 100 JALAN PUTRA 50622 KUALA LUMPUR</p>		

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**C. APPLICATION SEEKING MINISTER'S APPROVAL FOR APPOINTMENT OF NEW DIRECTORS –  
CONDITION OF LICENCE UNDER SECTION 24(3) OF THE CA 1965**

<b>1.</b>	<b>DOCUMENTS TO BE ENCLOSED</b>	<b>COMPLETE</b>	<b>INCOMPLETE</b>
a.	Application letter together with supporting documents stated in paragraph 4		
<b>2.</b>	<b>APPLICATION FEE</b>		
a.	A payment of RM150 as the required fee for application to Minister. Payment can be made to Suruhanjaya Syarikat Malaysia by cash/ money order/ bank draft/ banker's cheque		
b.	Prelodgement form (please refer to Example 5 for the format)		
<b>3.</b>	<b>CONTENT OF APPLICATION LETTER</b>		
a.	Reason of the appointment of new director		
b.	Main activities of the company		
c.	Biodata of the proposed director and copy of the identity card.		
<b>4.</b>	<b>DOCUMENTS</b>		
a.	A copy of the Certificate of Incorporation <b>(Form 8)</b>		
b.	A copy of the licence under section 24 CA 1965 <b>(Form 15)</b> .		
c.	A copy of the condition of licence under section 24(3) CA 1965		

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**C. APPLICATION SEEKING MINISTER'S APPROVAL FOR APPOINTMENT OF NEW DIRECTORS –  
CONDITION OF LICENCE UNDER SECTION 24(3) OF THE CA 1965**

d.	A copy of the Memorandum and Article		
e.	A copy of the Director's Resolution pertaining to the approval of the appointment of a new director		
f.	Statutory Declaration from the proposed director (Form 48A)		
<b>5.</b>	<b>SUBMISSION</b>		
a.	<p>Check list together with payment and documents stated in paragraph 1(a) are required to be submitted to the address below:</p> <p>SURUHANJAYA SYARIKAT MALAYSIA TINGKAT 13, PUTRA PLACE 100 JALAN PUTRA 50622 KUALA LUMPUR</p>		

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**D. APPLICATION SEEKING MINISTER'S APPROVAL TO AMEND THE MEMORANDUM AND ARTICLES UNDER SECTION 24(4) CA 1965**

<b>1.</b>	<b>DOCUMENTS TO BE ENCLOSED</b>	<b>COMPLETE</b>	<b>INCOMPLETE</b>
a.	Application letter together with supporting documents stated in paragraph 4		
<b>2.</b>	<b>APPLICATION FEE</b>		
a.	A payment of RM150 as the required fee for application to Minister. Payment can be made to Suruhanjaya Syarikat Malaysia by cash/ money order/ bank draft/ banker's cheque		
b.	Prelodgement form (please refer to Example 5 for the format)		
<b>3.</b>	<b>CONTENT OF APPLICATION LETTER</b>		
a.	Purpose / reason for the amendment of Memorandum and Articles (M&A)		
b.	Main activities of the company		
c.	A statement of notification on whether any amendment on M & A has been made before. If yes, a copy of the Lampiran A and approval letter from the Minister are to be forwarded		
<b>4.</b>	<b>DOCUMENTS</b>		
a.	A copy of the Certificate of Incorporation ( <b>Form 8</b> ).		
b.	A copy of the licence under section 24 CA 1965 ( <b>Form 15</b> ).		

**CORPORATE ADMINISTRATION SECTION  
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**D. APPLICATION SEEKING MINISTER'S APPROVAL TO AMEND THE MEMORANDUM AND ARTICLES UNDER SECTION 24(4) CA 1965**

c.	A copy of the condition of licence under section 24(3) CA 1965		
d.	A copy of the Memorandum and Article		
e.	A copy of the Director's Resolution pertaining the approval to the amendment of M & A		
f.	A copy of Lampiran A. Please refer to Example 1 for the format		
g.	A copy of Lampiran B. Each amendment is required to be justified by taking into account of the following: <ul style="list-style-type: none"> <li>• Purpose / Reason</li> <li>• Justification</li> <li>• Impact before or after the amendment</li> <li>• Contradiction with the CA</li> </ul> Please refer to Example 2 for the format		
h.	One diskette containing Lampiran A & B		
i.	A copy of letter from Inland Revenue Board if apply for Tax Exempt status		
<b>5.</b>	<b>SUBMISSION</b>		
a.	Check list together with payment and documents stated in paragraph 1(a) are required to be submitted to the address below:  SURUHANJAYA SYARIKAT MALAYSIA TINGKAT 13, PUTRA PLACE 100 JALAN PUTRA 50622 KUALA LUMPUR		

**CORPORATE ADMINISTRATION SECTION  
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**E.APPLICATION SEEKING APPROVAL OF THE MINISTER TO COLLECT DONATION  
FROM THE PUBLIC – CONDITION OF THE LICENCE UNDER 24(3) CA 1965**

1.	DOCUMENTS TO BE ENCLOSED	COMPLETE	INCOMPLETE
a.	Application letter together with supporting documents stated in paragraph 4		
2.	APPLICATION FEE		
a.	A payment of RM150 as the required fee for application to Minister. Payment can be made to Suruhanjaya Syarikat Malaysia by cash/ money order/ bank draft/ banker's cheque		
b.	Prelodgement form (please refer to Example 5 for the format)		
3.	CONTENT OF APPLICATION LETTER		
a.	Purpose and method of the collection of donation		
b.	Duration of the collection of donation		
c.	Accounting and record procedure for the collection of donation		
d.	Target Group for the collection of donation		
e.	Main activities of the company		
f.	Applicant is required to give a statement pertaining agreement to comply with the following conditions:  a. Shall comply with House to House and Street Collection Act 1947		

**CORPORATE ADMINISTRATION SECTION  
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**E.APPLICATION SEEKING APPROVAL OF THE MINISTER TO COLLECT DONATION  
FROM THE PUBLIC – CONDITION OF THE LICENCE UNDER 24(3) CA 1965**

- |  |  |  |
|--|--|--|
| <ul style="list-style-type: none"><li>b. Comply with <i>Pekeliling Am Bil.6 Tahun 1987 – Persatuan Mengutip Derma Oleh Pertubuhan dari orang ramai</i></li><li>c. Ensure sufficient internal control in collection procedures to avoid fraud</li><li>d. Ensure financial statement been prepared, audited and table in Annual General Meeting in accordance with the provision of the CA</li><li>e. A copy of audited financial statement to be sent to bodies that approve the application within one month from the date for tabling the statement in annual general meeting</li><li>f. Ensure the donation collected been used for the company's object and not for the benefit of the member.</li><li>g. The company is not allowed to employ agent to collect donation</li><li>h. The collector has to show his identity and authorisation letter to collect donation.</li><li>i. The collector should not less than 18 years old.</li><li>j. Official receipt has to be issued for all collection received.</li><li>k. The expenditure for the donation cannot be more 1/12 of the total collection</li><li>l. A copy of receipt must be issued immediately for any donation received.</li><li>m. Duration of collection is one year from the date of the Minister's approval.</li></ul> |  |  |
|--|--|--|

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**E.APPLICATION SEEKING APPROVAL OF THE MINISTER TO COLLECT DONATION  
FROM THE PUBLIC – CONDITION OF THE LICENCE UNDER 24(3) CA 1965**

	<p>n. The Minister’s approval is for the application under the CA and should not be construed as the support to the company to collect the donation.</p> <p>o. The company is not allowed to use the name of the Minister, Ministry of Domestic Trade and Consumer (KPDN &amp; HEP), Company Commission of Malaysia (SSM), Registrar of Company, members and officers of KPDN &amp; HEP and SSM when carrying out the collection of donation.</p>		
<b>4.</b>	<b>DOCUMENTS</b>		
a.	A copy of the Certificate of Incorporation <b>(Form 8)</b>		
b.	A copy of licence under section 24 CA 1965 <b>(Form 15)</b> .		
c.	A copy of the conditions of the licence under section 24(3) AS 1965.		
d.	A copy of Memorandum and Article		
e.	A copy of the Director Resolution pertaining approval to collect donation		
f.	A copy of the latest audited financial statement that has been table at Annual General Meeting.		
g.	A copy of the collection /donation format.		

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**E.APPLICATION SEEKING APPROVAL OF THE MINISTER TO COLLECT DONATION  
FROM THE PUBLIC – CONDITION OF THE LICENCE UNDER 24(3) CA 1965**

<b>5.</b>	<b>SUBMISSION</b>		
a.	Check list together with payment and documents stated in paragraph 1(a) are required to be submitted to the address below:  SURUHANJAYA SYARIKAT MALAYSIA TINGKAT 13, PUTRA PLACE 100 JALAN PUTRA 50622 KUALA LUMPUR		

**CORPORATE ADMINISTRATION SECTION  
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F. APPLICATION SEEKING APPROVAL OF THE MINISTER TO  
HOLD/SELL/CHARGE/DISPOSE LAND UNDER SECTION 19(2) CA 1965**

1.	<b>DOCUMENTS TO BE ENCLOSED</b>	<b>COMPLETE</b>	<b>INCOMPLETE</b>
a.	Application letter together with supporting documents stated in paragraph 4		
2.	<b>APPLICATION FEE</b>		
a.	A payment of RM150 as the required fee for application to Minister. Payment can be made to Suruhanjaya Syarikat Malaysia by cash/ money order/ bank draft/ banker's cheque		
b.	Prelodgement form (please refer to Example 5 for the format)		
3.	<b>CONTENT OF APPLICATION LETTER</b>		
a.	Types of application:		
	i) Purchase / acquisition		
	ii) Sale/ disposal / transfer		
	iii) Mortgage / charge		
b.	Details of application:		
	i) Purchase / acquisition		
	<ul style="list-style-type: none"> <li>▪ Purpose</li> <li>▪ Method of financing</li> <li>▪ Price</li> <li>▪ Description of the land</li> <li>▪ Financial position of the company</li> <li>▪ Impact of the purchase / acquisition on the financial position of the company</li> </ul>		

**CORPORATE ADMINISTRATION SECTION  
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**F. APPLICATION SEEKING APPROVAL OF THE MINISTER TO  
HOLD/SELL/CHARGE/DISPOSE LAND UNDER SECTION 19(2) CA 1965**

	<p>ii) Sale/ disposal / transfer</p> <ul style="list-style-type: none"> <li>▪ Purpose</li> <li>▪ Price</li> <li>▪ Description of the land</li> <li>▪ Financial position of the company</li> <li>▪ Impact of the sale / disposal/ transfer on the financial position of the company</li> </ul>		
	<p>iii) Mortgage / Charge</p> <ul style="list-style-type: none"> <li>▪ Purpose</li> <li>▪ Initial purchase price of the land</li> <li>▪ Amount of the mortgage / charge</li> <li>▪ Detail of the mortgage/charge</li> <li>▪ Financial position of the company</li> <li>▪ Impact of the mortgage /charge on the financial position of the company</li> </ul>		
<b>4. DOCUMENTS</b>			
a.	A copy of the Certificate of Incorporation ( <b>Form 8</b> ).		
b.	A copy of the licence under section 24 CA 1965 ( <b>Form 15</b> ).		
c.	A copy of the condition of the licence under section 24(3) CA 1965.		
d.	A copy of the Memorandum and Article		
e.	<p>i) Purchase/ Acquisition</p> <p>A copy of Memorandum of Understanding / Sales and Purchase Agreement</p>		

**CORPORATE ADMINISTRATION SECTION  
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**F. APPLICATION SEEKING APPROVAL OF THE MINISTER TO  
HOLD/SELL/CHARGE/DISPOSE LAND UNDER SECTION 19(2) CA 1965**

	ii) Sale / Disposal / Transfer - A copy of Memorandum of Understanding / Sales and Purchase Agreement		
	iii) Mortgage / Charge - A copy of Memorandum of Understanding - Legal documents		
f.	A copy of licence to hold land under section 19 CA 1965 (Form 10)	l	
g.	A list of the land or property owned under section 19 CA and their usage		
h.	A copy of the Master Title / Strata Title of the land		
i.	A copy of the Director's /Member's resolution pertaining the approval on the transaction at paragraph 3(a)(i) or (ii) or (iii)		
j.	A statement from the directors declaring in the Director's Meeting that the transaction at paragraph 3(b)(i) or (ii) or (iii) is an arm's length transaction and they have no interest in it.		
k.	Latest audited financial statement for 2 years.		
<b>5.</b>	<b>SUBMISSION</b>		
a.	Check list together with payment and documents stated in paragraph 1(a) are required to be submitted to the address below:  SURUHANJAYA SYARIKAT MALAYSIA TINGKAT 13, PUTRA PLACE 100 JALAN PUTRA 50622 KUALA LUMPUR		

**EXAMPLE 1**

**COMPANY NO:**

**LAMPIRAN A**

**(COMPANY'S NAME)**

The following are the amendments to the Memorandum and Articles of Association of (Company's name)..... that have been approved on .....

**A. Memorandum / B. Article**

1. **Clause/Article to be amend to replace the words** ..... and to include the additional sentence ..... as follows:
  
2. **Clause/Article**..... to be deleted in its entirety.
  
3. To renumber the existing **Clause/Article** ..... to ..... and to read as **Clause/Article** ..... to .....
  
4. **Clause/Article** ..... to be amended to delete the words"....." before/after the word "....." at the ..... paragraph and to replace with the word ".....". The **Clause/Article**..... will be renumbered as **Clause/Article** .....
  
5. **Clause/Article**..... to be amended to include the additional sentence "....." at the end of the present **Clause/Article** .....

**EXAMPLE 2**

**COMPANY NO:**

**LAMPIRAN B**

**(COMPANY'S NAME)**

<b>No.</b>	<b>Current Clause / Article</b>	<b>Propose Amendment</b>	<b>Reason</b>
1			<p>Each amendment is required to be justified by taking into account of the following:</p> <ul style="list-style-type: none"><li>i. Purpose/Reason;</li><li>ii. Justification;</li><li>iii. Impact prior and after amendment</li><li>iv. Whether the proposed amendment is contrary to any provisions of the Companies Act 1965</li></ul>

**EXAMPLE 3**

**BIODATA**

**NAME:**

**I/C NUMBER:**

**DATE OF BIRTH:**

**ADDRESS:**

**QUALIFICATION:**

**CURRENT POSITION:**

**EMPLOYER :**

**EXPERIENCE :**

**(Period and working experience in corporate sector and involvement in charitable activity)**

**EXAMPLE 4**

**COMPANY'S NO.  
STATEMENT OF ESTIMATED INCOME AND EXPENDITURE FOR  
TWO (2) YEARS**

	<b>YEAR 1</b>	<b>YEAR 2</b>
<b>INCOME</b>		
<b>Donation</b>		
<b>Others income</b>		
<b>TOTAL INCOME</b>		
<b>EXPENDITURE</b>		
<b>TOTAL EXPENDITURE</b>		
<b>SURPLUS/(DEFICIT)</b>		

<b>LODGE BY:</b> Name : Address : Tel : Faks : Our Ref : Your Ref :
<b>IN RELATION TO:</b> Company Name: Company No. :

**EXAMPLE 5**

SURUHANJAYA SYARIKAT MALAYSIA  
TINGKAT 2, 10-18, PUTRA PLACE  
100 JALAN PUTRA  
50622 KUALA LUMPUR.

Date:

(√) Attached herewith the document/application in accordance the following category for registration/approval  
(Please √ whichever is applicable)

√	Documents	Document Date	Received Date	Event Date *	Fee
	TST - Application For Trust Company Registration			-	5.00
	TST - Security Prospectus			-	500.00
	TST - Quarterly Report *				100.00
	TST - Annual Return Trust Company			-	10.00
	TST - Certificate Of Trust Company Registration (Capital < RM500,000)			-	100.00
	TST - Cert. Of Trust Company Registration (Capital < RM1,000,000)			-	150.00
	TST - Cert. Of Trust Company Registration (Capital > RM1,000,000)			-	200.00
	TST - Company Limited By Guarantee			-	150.00
	OTH - Apply For Exemption Sec 168(8)			-	120.00
	OTH - Apply For Relief Sec 169A [S169(11)]			-	120.00
	OTH - Extension Of Time [S143(2) & S169(2)] (Form 51A)			-	200.00
	OTH - Extension Of Time. Section 143(2) (Form 51A)			-	100.00
	OTH - Extension Of Time. Section 169(2) (Form 51A)			-	100.00
	OTH - Application For Waiver Section 336(5)(1 Years)			-	120.00
	OTH - Application For Waiver Section 336(5)(2 Years)			-	240.00
	OTH - Application For Waiver Section 336(5)(3 Years)			-	360.00
	OTH - Application For Waiver Section 336(5)(4 Years)			-	480.00
	OTH - Nomination Of Proxy Section 149				120.00
	OTH - Any Other Application to the Registrar which a fee is not prescribe			-	120.00
	Late Lodgement Fees				

- State to the relevant quarter ending date in the "Event Date Column".
- Enclosed herewith payment of RM..... (Cash/Cheque/Bank Draft/Money Order/Postal Order)  
No.....)

Signature: