



**COMPANIES ACT 2016: PRACTICE DIRECTIVE NO. 4/2018
(REVISED)**

**DOCUMENTS UNDER DIVISION 8, PART III OF THE
COMPANIES ACT 2016, THE LODGEMENT REQUIREMENTS
AND RELATED MATTERS**

1. This Practice Directive is issued pursuant to section 20C of the Companies Commission of Malaysia 2001 and section 610 of the Companies Act 2016.
2. Unless otherwise stated in this Practice Directive, the provisions in the Practice Directive 1/2017 will be applicable to the lodgement of documents referred to in this Practice Directive.

OBJECTIVES

3. The objectives of this Practice Directive are:
 - (a) to specify the documents which are referred to in Division 8, Part III of the Companies Act 2016 for the purposes of lodgement with the Registrar or for the execution by the directors, nominees, judicial

managers or an applicant to a voluntary arrangement or judicial management; and

- (b) to determine the general requirements for the lodgement of the documents and related matters.

LODGEMENT OF DOCUMENTS RELATING TO DIVISION 8, PART III OF THE COMPANIES ACT 2016 OVER THE COUNTER AT SSM OFFICES

4. All documents relating to Division 8, Part III of the Companies Act 2016 are to be lodged over the counter at SSM Offices.

5. All particulars which are necessary to be completed, acted upon or executed before the documents are lodged with the Registrar must have been duly completed, acted upon or executed, as the case may be.

5A. The documents shall be lodged in accordance with the timeframe specified in paragraph 6.

6. For the purposes of lodgement of Division 8, Part III of the Companies Act 2016, the relevant documents to be lodged are listed in **Schedule B** of Practice Directive 1/2017 are as follows:

No	Section/ Rules	Forms	Timeframe for lodgement with the Registrar
1.	Section 396/ Rule 3	Notification of commencement of the moratorium for voluntary arrangement	On the same day the proposal is filed to the Court

No	Section/ Rules	Forms	Timeframe for lodgement with the Registrar
2.	Para 10(a) and (c), Eighth Schedule	Notification for advertisement of commencement of moratorium for voluntary arrangement	Within 14 days from the commencement of the moratorium period.
3.	Para 12(a) and (b), Eight Schedule/ Rule 7	Notification for advertisement of the end of moratorium	Within 7 days after a moratorium comes to an end and after the notification is filed to the Court.
4.	Section 400(7)/ Rule 4	Notification of results of creditors' meeting and meeting of members	On the same day the notification is filed to the Court (Within 7 days from the date of the meeting).
5.	Paragraph 5, Seventh Schedule/ Rule 5	Notification of withdrawal of consent to act as nominee	On the same day the notification is filed to the Court
6.	Section 401(2)/ Rule 6	Notification of replacement of nominee	On the same day the notification is filed to the Court
7.	Subdivision 1, Division 8 Part III	Notification on orders of Court pursuant to application under Division 8 of Part III	Within 3 days from the date of the making of the order
8.	Section 408(2)/ Rule 8	Notification of application for judicial management order	On the same day the application is filed to the Court
9.	Section 408(1)/ Rule 11	Notification for advertisement of notice of the application for judicial management order	On the same day the notification is advertised
10.	Section 413	Notification of appointment of new interim judicial manager or judicial manager	Within 3 days from the date of the making of the order

No	Section/ Rules	Forms	Timeframe for lodgement with the Registrar
11.	Section 417 (to be read together with section 424(4), Subdivision 2, Division 8	Notification for the discharge of judicial manager	Within 7 days from the date of the making of the order
12.	Section 418(1)(a)	Notification of notice of judicial management order	Within 7 days from the date of the order
13.	Section 419(5)	Company statements of affairs at the date of the judicial management order	Within 7 days from the receipt of such statement from the company
14.	Section 420(1)(a)	Notification of statement of proposals	Within 60 days or such longer period as the Court may allow after the date of the making the order
15.	Sections 421(4) and 423(5)	Notification of results of the creditors' meeting	Within 7 days from the date of the meeting.
16.	Section 406 (3)	Notification of application for the extension of judicial management order	Within 7 days from the date of the making of the application.
17.	Section 418 (1)(a)/ Rule 37	Notification of extension of judicial management order	Within 7 days from the date of the making of the order
18.	Sections 421(7), 424(3) and 425(5)	Notification for the discharge of judicial management order	Within 7 days from the date of making of the order
19.	Subdivision 2, Division 8 Part III	Notification of orders of Court for application under Division 8 of Part III	Within 14 days from the date of the making of the order
		Information update for the application of judicial management order	Within 7 days from the updates received from the Court

LATE LODGEMENT PENALTY

7. If a document pursuant to Division 8, Part III of the Companies Act 2016 is lodged later than the prescribed timeframe, the following late lodgement penalty shall apply:

Description	Penalty
For late lodgement of document after the period prescribed under this Act or pursuant to extension under s 609(2) by—	
(a) a public company or foreign company	(i) More than 3 days but not more than 3 months RM150 (ii) More than 3 months but not more than 6 months RM250 (iii) More than 6 months but not more than 12 months RM300 (iv) More than 12 months RM500
(b) a private company	(i) More than 3 days but not more than 3 months RM50 (ii) More than 3 months but not more than 6 months RM100 (iii) More than 6 months but not more than 12 months RM150 (iv) More than 12 months RM200

DOCUMENTS FOR COMPLETION OR EXECUTION BY THE DIRECTORS, NOMINEES, JUDICIAL MANAGERS OR AN APPLICANT TO A VOLUNTARY ARRANGEMENT

8. The documents which are required to be completed or executed pursuant to certain provisions under Division 8, Part III of the Companies Act 2016 by directors, nominees, judicial managers or an applicant to a voluntary arrangement or judicial management are set out in **Schedule C** as follows:

No	Section/ Rules	Forms
1.	Section 398(1)(d)	Statement of consent to act as nominee to director
2.	Section 397(1)(b)	Statement of affairs (from director/liquidator/judicial manager/official receiver to nominee)
3.	Section 397(2)	Statement on prospect of proposals for a voluntary arrangement
4.	Section 418(2)	Company's statement of affairs at the date of the judicial management order (from applicant to judicial manager)

9. Although these documents are required to be completed or executed, these documents are not required to be lodged with the Registrar unless otherwise directed. Such documents must be kept at the registered office of the company.

AMENDMENTS TO DOCUMENTS ISSUED UNDER THIS PRACTICE DIRECTIVE

10. The Registrar shall notify any changes to documents referred to in this Practice Directive or other additional documents through the website at www.ssm.com.my.

EFFECT OF THIS PRACTICE DIRECTIVE

11. This Practice Directive is revised and incorporated the Practice Directive 4/2018 issued on 1 March 2018, the Amendment of Practice Directive 4/2018 issued on 7 November 2018 and the Amendment of Practice Directive 4/2018 issued on 8 October 2024.

REGISTRAR

COMPANIES COMMISSION OF MALAYSIA

31 JANUARY 2024