

COMPANIES ACT 2016. PRACTICAL GUIDE FOR COMPANY SECRETARIES

COURSE INTRODUCTION

Company secretaries must have a good understanding of the provisions of the Companies Act 2016 ("Act") in order to guide the company and its directors on the compliance matters under the Act as well as to craft new secretarial procedures to meet the deadlines as set out in the Act. The Companies Commission of Malaysia Act 2001 gives power to the Companies Commission of Malaysia ("SSM") to issue guidelines, practice notes, directive, notices or circulars ("Subsidiary Legislations") as it considers appropriate and may impose any condition or restriction as SSM thinks fit. Section 610 of the Act gives powers to SSM to determine the particulars, form and manner of information contained in documents required to be lodged under the Act. This means that the company secretaries have to be constantly vigilant of the new Subsidiary Legislations issued by SSM, understand the new provisions and how to apply them.

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COURSE OBJECTIVES

This course allows participants to quickly obtain the basic, yet comprehensive essential company secretarial procedures on the routine assignments on administration of companies, dealing with pre-emptive rights to new shares, declaration of dividend and handling the subsidiary legislations issued by the Registrar of Companies.

COURSE CONTENTS

Administration of Companies

- Publication of name and company number.
- Documents to be kept at registered office.
- Register of Members.
- Annual Return – Step by step guide to completing the return.

Beneficial Ownership (“BO”)

- Identifying the BO.
- Obtaining the BO information.
- Verifying the BO information.
- Updating the Register of BO.

Pre-emptive rights to new shares

- Circumstances of application of pre-emptive rights.
- Procedures on undertaking a rights issue for a private company.

Declaration of dividend

- Assessment of solvency.
- Who has powers to declare dividend.
- Significance of declaration date and payment date.

Practice Directives (PD), Practice Notes (PN) and Guidelines

- PD 1/2017: Documents under the Companies Act 2016, the lodgement requirements and related matters.
- PD 2/2017: Notification of change in the business address and/or nature of business.
- PD 3/2017: Qualifying criteria for audit exemption for certain categories of private companies.
- PD 5/2018: Lodgment of annual return and changes or updates of particulars of a company to be lodged in the annual return.
- PD 6/2020: Extension of time for AGM and Lodgement of Financial Statement.
- PN 6/2019: Circumstances and procedures for rectification of documents lodged and registered with the Companies Commission of Malaysia.
- PN 4/2018: Procedures on resignation of secretary under section 237 of the Companies Act 2016.
- PN 5/2019: Queries issued on documents and applications lodged with the registrar.
- Guidelines on company limited by guarantee.
- Guidelines on striking off and reinstatement.
- Guidelines relating to practicing certificate for secretaries under section 241 of the Companies Act 2016.

LEARNING OUTCOME

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

- Have a better understanding on some of the administrative requirements of the Act and the implications for non-compliance.
- Assist directors on the preparation of relevant documents to support the basis for arriving at the decision that a company is solvent upon the distribution of dividend.
- Take-away sample resolutions, letters and documents for reference.

WHO SHOULD ATTEND

Company secretaries, lawyers, accountants, corporate consultants.

ABOUT THE TRAINER

Leong Oi Wah is a Fellow Member of the Malaysian Institute of Chartered Secretaries and Administrators (MAICSA) and has more than 30 years of experience in handling corporate secretarial matters in the profession and the corporate sector.

Oi Wah is also involved in advisory on corporate secretarial requirements including corporate restructuring and compliance with various regulatory bodies such as the Registrar of Companies, Bursa Malaysia Securities Berhad, Securities Commission and other authorities. She is an approved trainer with Pembangunan Sumber Manusia Berhad and does regular training for the Companies Commission Malaysia Training Academy and other professional bodies.

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DATE	PLATFORM		EVENT CODE
29 March 2022	Webinar @ Microsoft Team		035/22/CEP/WEB
Time	9.00 a.m. - 5.00 p.m.		
Training Methodology	Lecture and Case Discussion		
Fee	RM400.00	Standard	
	RM500.00	Licensed Secretary. Member of MAICSA, MIA, Malaysian Bar, MACS, MICPA, Sabah Law Assoc. & Advocates Assoc. of Sarawak.	
SSM CPE Points	8 points		

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Strictly via online registration at
<https://e-comtrac.ssm.com.my>

NEW USER (First Time Login)

Click on Sign Up
Key in Registration Information
Click on Register
Key in Username and Password
Click on Sign Up

EXISTING USER of SSM EzBiz

Key in Username and Password
Click on Sign Up

Select event code
xxx/22/CEP/WEB

Check on Available Seat
Click on Add Participant
Key in participant's information
Click on Submit
Check participant's details
Click on Submit Payment

Note: Please submit your application within 15 minutes. Otherwise the system will automatically cancel your transaction and you will lose your seat(s). Please re-apply if you wish to proceed.

Full payment shall be made at the point of registration.

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Human Resources Development Corporation

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