

BORROWING BY COMPANIES

COURSE INTRODUCTION

A company, in carrying on its business, would inadvertently require further working capital and could either issue more shares or borrow from shareholders, related corporations or financial institutions. Before raising money on loan, a company should ascertain that it has powers to borrow and if the power is restricted, the contemplated borrowing and outstanding loans will not exceed the limit imposed. Whilst powers are usually set out in the Constitution. The Companies Act 2016 dispenses with the requirement for a company to have a constitution. In such situation, the Company would have to refer to the provisions of the law.

COURSE OBJECTIVES

This course is to provide participants with an understanding of the powers given to a company to borrow in the Companies Act 2016 and the obligations when exercising such powers in the mortgage or charge of the company's undertaking, property or issue of debentures and other securities for any debt, liability, or obligation of the company or of any third party.

COURSE CONTENTS

- Powers to borrow – implied or expressed.
- Directors' exercise of borrowing powers.
- Security for loans.
- Difference between debenture and charges.
- Different types of charges and rights of the company in dealing with assets charged for facilities.
- Registration of charges and satisfaction of charge.
- Remedies for lenders.

LEARNING OUTCOME

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

- Distinguish between debentures, fixed and floating charge.
- Have a better understanding of the obligations of the company and its officers in the registration of charges and the subsequent discharge.

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.

WHO SHOULD ATTEND

Company secretaries, company secretarial assistants, company directors, lawyers, accountants, and corporate consultants.

DATE	VENUE	EVENT CODE
06 March 2018	Menara SSM@Sentral, Kuala Lumpur	CEP/KL/18/019
Time	9.00 am – 5.00 pm	
Training Methodology	Lecture and Case Discussion	
Fee (inclusive of 6% GST)	RM530.00 Standard RM424.00 Licensed Secretary. Member of MAICSA, MIA, Malaysian Bar, MACS, MICPA, Sabah Law Assoc. & Advocates Assoc. of Sarawak.	
SSM CPE Points	8	

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. 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

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