

# KEY OFFENCES UNDER COMPANIES ACT 2016 & INTEREST SCHEMES ACT 2016

## COURSE INTRODUCTION

The Companies Act 2016 was gazetted on 15 September 2016 and became operative on 31 January 2017. The modern legal framework in the new Companies Act 2016 has replaced the Companies Act 1965. The new Act consists of 5 parts, 620 sections and 13 schedules as compared to the Companies Act 1965 which was made up of 12 parts, 374 sections and 10 schedules.

This seminar discusses the key and common offences committed by directors under the Companies Act 2016. There are 336 offences found in various provisions under the Companies Act 2016 that may involve company directors and other officers. This course will not discuss all these offences, instead only offences which are rampant, will be highlighted. The term 'common offences' is used to identify the frequency of these offences. While the focus is on key and common offences, other offences which though are not rampant, will be highlighted in view of their severity.

The Interest Schemes Act 2016 was gazetted on 15 September 2016 and became operative on 31 January 2017.

## COURSE OBJECTIVES

Established in April 2007 to function as the education and training arm of the Companies Commission of Malaysia (Suruhanjaya Syarikat Malaysia (SSM)), COMTRAC plays a crucial role in promoting and elevating ethical business and good governance values to both the business and corporate communities. Being a strong proponent of the philosophy of enforcement by education, COMTRAC strives to educate stakeholders and strengthen public awareness about the major benefits of complying with company law. In light of the rigorous statutory requirements imposed on directors and officers under the new Companies Act 2016, it is imperative for them to:

- keep abreast of the requirements of the Companies Act 2016.
- acquire an in-depth understanding of their duties and responsibilities.
- be aware of the key offences under the new Companies Act 2016.
- extend knowledge on good governance values.

Thus, the key role of COMTRAC is to provide education that complements the effectiveness of SSM's enforcement initiatives in ensuring voluntary compliance.

## COURSE CONTENTS

- Overview of SSM's enforcement activities.
- Additional enforcement powers under the Companies Commission of Malaysia (Amendments) Act 2015 (Act A1478).
- Classification of common offences under the Companies Act 2016.
- Non-compliance offences.
- Serious corporate governance offences.
- Offences under the Interest Schemes Act 2016
- The impact of breaches and mitigation plan.

## LEARNING OUTCOME

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

- Know the key and common offences committed by directors and officers of company under the Companies Act 2016 and the penalties provided under the Act.
- Understand the impact of the breaches on companies.
- Take possible action to avoid the commission of offences under the Companies Act 2016.
- Be aware of key offences under the Interest Schemes Act 2016.

## ABOUT THE TRAINER

Speakers from **Suruhanjaya Syarikat Malaysia**.

## WHO SHOULD ATTEND

Company director, accountant, auditor, company secretary, lawyer, legal counsel, compliance officer, business owner, shareholder, investor, corporate advisor, public sector legal staff and anyone who wants to learn about the new Companies Act 2016.

DATE	VENUE	EVENT CODE
03 October 2018	Menara SSM@Sentral, Kuala Lumpur	CEP/KL/18/061
Time	9.00 am – 5.00 pm	
Training Methodology	Lecture and Case Discussion	
Fee (inclusive of 6% GST)	<b>RM530.00</b> Standard <b>RM424.00</b> 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](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)