



PRACTICE DIRECTIVE No. 4/2018

**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.

6. For the purposes lodgement of documents under 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
1.	Section 396/ Rule 3	Notification of commencement of the moratorium for voluntary arrangement
2.	Para 10(a) and (c), Eight Schedule	Notification for advertisement of commencement of moratorium for

		voluntary arrangement
3.	Para 12(a) and (b), Eight Schedule	Notification for advertisement of the end of moratorium
4.	Section 400(7)/ Rule 4	Notification of results of creditors' meeting and meeting of members
5.	Paragraph 5, Seventh Schedule/ Rule 5	Notification of withdrawal of consent to act as nominee
6.	Section 401(2)/ Rule 6	Notification of replacement of nominee
7.	Section 408(2)/ Rule 8	Notification of application for judicial management order
8.	Section 408(1)/ Rule 11	Notification for advertisement of notice of the application for judicial management order
9.	Section 418(1)(a)/ Rule 17	Notification of notice of judicial management order
10.	Section 419(5)/ Rule	Company statements of affairs at the date of the judicial management order
11.	Section 420(1)(a)	Notification of statement of proposals
12.	Section 421(4) and 423(5)/ Rule 34	Notification of results of the creditors' meeting
13.	Section 406 (3)/ Rule 37	Notification of application for the extension of judicial management order
14.	Section 406 (1)/ Rule 37	Notification of extension of judicial management order
15.	Section 421(7)	Notification for the discharge of judicial management order
16.	Section 424(4) and section 417/ Rule	Notification for the discharge of judicial manager

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 lodgment penalty shall apply:

Description	Penalty																
<p>For late lodgement of document under s 609(2) by –</p> <p>(a) a public company or foreign company</p> <p>(b) a private company</p>	<table> <tr> <td data-bbox="792 590 1055 724">(i) More than 3 days but not more than 3 months</td> <td data-bbox="1112 590 1201 619">RM150</td> </tr> <tr> <td data-bbox="792 766 1055 900">(ii) More than 3 months but not more than 6 months</td> <td data-bbox="1112 766 1201 795">RM250</td> </tr> <tr> <td data-bbox="792 942 1055 1077">(iii) More than 6 months but not more than 12 months</td> <td data-bbox="1112 942 1201 972">RM300</td> </tr> <tr> <td data-bbox="792 1119 1055 1178">(iv) More than 12 months</td> <td data-bbox="1112 1119 1201 1148">RM500</td> </tr> <tr> <td data-bbox="792 1220 1055 1316">(i) More than 3 days but not more than 3 months</td> <td data-bbox="1112 1220 1193 1249">RM50</td> </tr> <tr> <td data-bbox="792 1358 1055 1493">(ii) More than 3 months but not more than 6 months</td> <td data-bbox="1112 1358 1201 1388">RM100</td> </tr> <tr> <td data-bbox="792 1535 1055 1669">(iii) More than 6 months but not more than 12 months</td> <td data-bbox="1112 1535 1201 1564">RM150</td> </tr> <tr> <td data-bbox="792 1711 1055 1770">(iv) More than 12 months</td> <td data-bbox="1112 1711 1201 1740">RM200</td> </tr> </table>	(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	(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
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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 directors/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

**REGISTRAR OF COMPANIES
COMPANIES COMMISSION OF MALAYSIA
1 March 2018**