

Company Statutory Forms in Malaysia

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1. Company Statutory Forms

When a company intends to open a corporate bank account or take out a loan, they are most likely required to submit some statutory forms for identification and authentication purposes. Although rare, it is also possible that companies are asked to share their statutory forms in business dealings for accreditation purposes.



Before the Companies Act 2016 came into operation, statutory forms were labelled with numbers like Form 9, Form 14, Form 24, Form 44 and so on. The Companies Act 2016 reformed the entire corporate law framework and one of the changes is the simplification and digitalisation of company statutory forms.

This article will list some of the common statutory forms, their purposes, their previous names under the Companies Act 1965 and some samples of the forms.

2. Super Form under Section 14 of Companies Act 2016

(Previously Form 6 (Section 16(2)), Form 24 (Section 54(1)), Form 44 (Section 120 (1), 333 (1A) and 335 (1)), Form 48A (Section 16 (3A) and 123 (4)), Form 49 (Section 141(6) and Memorandum and Article of Association (Section 18 and 29) under Companies Act 1965)

Before the introduction of MYCoID, companies are required to lodge their statutory forms for incorporation at one of the SSM offices.

Under the Companies Act 1956 regime, anyone who wishes to incorporate a company must lodge a few forms, which are Form 6, Form 24, Form 44, Form 48A, Form 49 and Memorandum and Article of Association. This will mean someone must physically be present at an SSM office to submit the documents.

Following the reforms brought by the Companies Act 2016, an online registration system of the details required in Form 6, Form 24, Form 44, Form 48A, Form 49 and Memorandum and Article of Association called “Super Form” was launched.

The filing of Super Form is part of the registration of MyCoID, the submission of this registration is entirely online (please see the following section for a further description of MyCoID).

The Super Form consists of the following 5 parts,

- a. Particulars of Application
- b. Clarification
- c. Application Details | Directors | Members/Shareholders | Information to Agency
- d. Declaration Section
- e. Lodger Information

To fill in the details of Super Form, one would need the proposed name of the company, details of the nature of the business, the type of the company, the company address and details of the intended directors, members and the company secretary.

Members of the public can get access to the latest information contained in the Super Form by purchasing the company profile or the “Declaration of Compliance – Super Form” on MyData or SSM e info. Do note that the Super Form does not always contain the latest information, any changes in the company will not be reflected on the “Declaration of Compliance – Super Form”.

Please see a sample of Super Form [here](#).

Please see a sample of Form 6 [here](#).

Please see a sample of Form 24 [here](#).

Please see a sample of Form 44 [here](#).

Please see a sample of Form 48A [here](#).

Please see a sample of Form 49 [here](#).

2.1 MyCoID

Malaysia Corporate Identity Number (“MyCoID”) is the company registration number with the Companies Commission of Malaysia (“SSM”) which is used as a single source of reference for registration or other purposes with government agencies like the Inland Revenue Board, Employees Provident Fund, Human Resources Development Fund, Ministry of Human Resources, the Royal Malaysian Customs Department, Social Security Organisation and Small and Medium Enterprise Corporation Malaysia. MyCoID predates the Companies Act 2016 and has been in place since 2011.

Prior to the introduction of MyCoID, a company would have various identification numbers assigned by different government agencies. The MyCoID concept effectively phases out and eliminates the various numbers assigned by such government agencies for the purpose of public dealings and internal references.

As briefly mentioned above, the registration of MyCoID could only be done online. The registration is relatively straightforward, but in terms of what needs to be done, there are still many steps to be completed. Hence, the company secretary will usually oversee this registration process.

3. Notice of registration under Section 15 of the Companies Act 2016

(Did not exist under Companies Act 1965)

Notice of registration is the official notice from SSM on the successful incorporation of the company. The notice will be sent to the email of the individual who submitted the incorporation application when the application has been approved.

4. Certificate of incorporation under Section 17 of the Companies Act 2016

(Previously Form 9 (Section 16(4) under Companies Act 1965)

The certificate of incorporation is not the same as a notice of registration, although these documents will be available at about the same time. A certificate of incorporation can be purchased on MyData or SSM e info.

Please see a sample of Form 9 [here](#).

5. Lodgement of the constitution under Section 32 of the Companies Act 2016

(Previously Memorandum and article of association (Section 18 and 29) under Companies Act 1965)

Section 31 of the Companies Act 2016 permits a private limited company to not have a constitution, in which case, they shall adopt the third schedule as the constitution of the company. Nevertheless, some banks may still ask for the constitution, in this situation, companies will have to explain that they do not have a constitution.

In any case, a company's constitution or memorandum and article of association is available on MyData.

6. Latest register of members under Section 51 of Companies Act 2016

(Previously Form 24 (Section 54 (1)) under Companies Act 1965)

Notification of change in the register of members will be submitted by the company secretary whenever there is a change in the shareholding of the company. For companies that have never had any changes in their shareholding structure, the "Declaration of Compliance – Super Form" available on MyData will provide the same info as the Notification of change in the register of members.

Please see a sample of Form 24 [here](#).

7. Return for allotment of shares under Section 78 of Companies Act 2016

(Previously Form 24 (Section 54 (1)) under Companies Act 1965)

A return for allotment of shares will be issued once new shares are allotted.

Please see a sample of the return for allotment of shares [here](#). A company's return for allotment of shares is also available on MyData.

8. Notification of change in the Register of Directors, Managers and Secretaries under Section 58 of Companies Act 2016

(Previously Form 49 (Section 141(6)) under Companies Act 1965)

Whenever there are changes in managers, directors or company secretaries of the company, a Notification of change in the Register of Directors, Managers and Secretaries should be submitted to the SSM. Likewise, a "Declaration of Compliance – Super Form" shall be the relevant document showing the register of directors, managers and secretaries for companies that have never had any changes in their register of directors, managers and secretaries.

Please see a sample of Notification of change in the Register of Directors, Managers and Secretaries [here](#).

Please see a sample of Form 49 [here](#).

Both the Notification of change in the Register of Directors, Managers and Secretaries and Form 49 are available on MyData.

9. Form of Transfer of Securities under Section 105 of Companies Act 2016

(Previously Form 32A (Section 103(1)) under Companies Act 1965)

The form of transfer of securities is the prescribed form to affect a transfer of shares.

Please see a sample of the form of transfer of securities [here](#).

Please see a sample of Form 32A [here](#).

10. Statement of Particulars to be Lodged with Charge under Section 352(1), 354 and 356(1) Companies Act 2016

(Previously Form 34 (Sections 108 (1) and 110(1)) under Companies Act 1965)

A Statement of Particulars to be Lodged with Charge is the document that needs to be lodged to register a charge against a company.

Please see a sample of the Statement of Particulars to be Lodged with Charge [here](#).

Please see a sample of Form 34 [here](#).

A Statement of Particulars to be Lodged with Charge is available on MyData.

11. Certificate of Registration of Charge under Section 357(3) of Companies Act 2016

(Previously Form 40 (Section 112A (1)) under Companies Act 1965)

A Certificate of Registration of Charge is the document certifying that a charge has been successfully registered against a company. Both Statement of Particulars to be lodged with Charged and Certificate of Registration of Charge are usually required when applying for a bank loan.

Please see a sample of Form 40 [here](#).

The Certificate of Registration of Charge and Form 40 are available on MyData.

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He established his own firm in Japan and worked as a representative partner of a law firm with three offices in Japan. He has provided legal service as an advisor to a wide range of organizations in Japan, including companies in construction, real estate management, system development as well as local government and political parties. He has been a member of One Asia Lawyers since September 2020, providing advice on general cross-border Asian legal matters (M&A, regulatory investigations, etc.) with a focus on Malaysia.

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Heng Zhen Hung (Zed) obtained his law degree in 2018 and was called to the England & Wales bar in 2020.

Before returning to Malaysia, he worked at a London based charity where he provides legal advice, case preparation and advocacy in social security tribunal cases. He also did some employment tribunal cases when he was there.

Before he joined One Asia lawyers, he was a member of a tax legal team of a law firm located in Kuala Lumpur, he worked on transfer pricing, tax, SST & GST and Customs cases. After joining One Asia Lawyers, he has been providing services for regulatory compliance, employment law, contract law and land law matters.

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