



## MAICSA PRACTICE ADVISORY

The Institute is aware that of late, many members have been receiving notices issued by the Registrar of Companies (“ROC”) pursuant to Section 7(11) (a), Companies Act, 1965 ('Act') in their capacities as officers of their clients' companies as defined by Section 4(1) of the said Act.

The said notice is a request by the ROC to the officers of the relevant companies to provide information in writing, the reason(s) that these companies had failed to comply with the provisions of the said Act. (eg: failure to hold their Annual General Meetings (“AGM”), tabling of their audited financial statements at the AGM or the lodgement of their Annual Returns amongst others)

For members who are acting as officers of companies (ie: as directors, managers or company secretaries), you are advised to respond in writing to the said notices furnishing such information as may be available the reasons that the relevant companies were unable to comply with the provisions of the Act, failing which or if you had provided information which are false in material particulars, actions may be initiated against you by the ROC and you shall be guilty of an offence and may be liable to a penalty of RM2,000/= plus a default penalty under Section 7(11)(b) of the said Act.

The Institute wishes to advise members that whatever you furnished to the ROC had to be true and correct and where applicable, preferably be substantiated by some documentary evidence to support the information furnished or statement made.

In the event that the relevant companies are inactive or defunct, you are strongly encouraged to advise them to apply for striking off under Section 308 of the said Act or to voluntarily wind up the companies.

If you have any further query or require any clarifications, kindly email your query to [technical@maicsa.org.my](mailto:technical@maicsa.org.my)

MAICSA Technical & Research Department

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