

Insolvency & Company Law

Impact of the New Legislative Regime

 27 March 2018

 8:00 am – 5:00 pm

 Eastern & Oriental Hotel, Penang



CLJ

HRDF
Claimable



Bar Council Malaysia CPD Points:

6 CPD POINTS

T2/27032018/CCPCLJ/PG184127/6

About the Seminar

Various reforms are expected to take place under the Malaysian bankruptcy law as the latest legislative amendments have been enforced via the Insolvency Act 1967. Through this seminar, the changes and effects to the legislative regime will be dealt with in-depth, including how the amendments will affect a bankrupt and his guarantor. Our learned speakers will dwell into the legal applications derived from the Insolvency Rules 2017 together with other related legislation. Basic knowledge on the filing and procedures to be adhered to in securing a Bankruptcy Order will also be dealt with. To add in further to this exclusive Seminar, highlights on the fundamental aspects of Company Law will also be presented with relevant case studies on point. Participants will have an overview of the laws related to matters covering, *inter alia*, directors, shareholders and the relevant procedures applicable under the new Companies Act 2016.

This seminar will highlight, among others, the key points below:

- ▶ Procedures for filing the relevant documents and cause papers in court
- ▶ Case law relevant to the points of discussion
- ▶ In-depth analysis of the changes introduced vide the new bankruptcy laws
- ▶ Highlights on the Fundamentals of Company Law
- ▶ Q & A Session

Who Should Attend

- ▶ Lawyers
- ▶ In-house counsels
- ▶ Bank and financial institution officers specialising in credit, recovery and litigation
- ▶ Finance Managers and Financial Controllers
- ▶ Credit management advisors
- ▶ Fund managers
- ▶ Accountants & auditors
- ▶ Regulators
- ▶ Representatives of government agencies
- ▶ Researchers & Academicians

Speaker Profile



Ariff Hakimi Abdul Hamid
Pengarah Insolvency Negeri Kedah

Ariff Hakimi Abdul Hamid is a graduate of the National University of Malaysia and joined the Judicial and Legal Service in 2013 as the Assistant Parliamentary Draftsman in the Attorney General's Chambers. In 2014, he joined the Malaysia Department of Insolvency as a Federal Counsel where he was attached to the Court Division before joining the Bankruptcy Division in 2016 as a Senior Assistant Director. He is currently the State Insolvency Director of Kedah commencing from February 2018.



Khoo Kay Ping
Partner, Zaid Ibrahim & Co

Khoo Kay Ping is the Partner managing the Penang Litigation Practice of Zaid Ibrahim & Co. Prior to joining the firm, he was a Partner in Messrs. John Ang & Jega, Johor Bahru, specialising in motor insurance claims. He then joined as a Partner in Messrs. Tan & Lee, Johor Bahru, specialising in civil litigation - in particular debt recovery. He obtained his Bachelor of Laws (Hons) from University of Malaya, Malaysia in 1991, and was called to the Malaysian Bar as an Advocate and Solicitor of the High Court of Malaya in 1992. He is the author of *Khoo's Law and Practice of Bankruptcy in Malaysia* published by LexisNexis (1st edition - 2000; 2nd edition - 2003) and the creator of a computer program known as *Civil Appeals Step by Step* (2002). He also co-authored the Malaysian Chapter in *Getting the Deal Through - Restructuring & Insolvency* published by Law Business Research Ltd, UK for the 2011, 2012 and 2013 editions.



Gavin Jay Anand Jayapal
Principal, Gavin Jayapal

Gavin is a graduate of the University of Leeds and was called to the degree of the Utter Bar of the Honourable Society of the Middle Temple. His area of practice involves solely on litigation and arbitration. Gavin has handled numerous contentious disputes, at all hierarchies of the Malaysian Judiciary. He is listed as a speaker for the Malaysian Bar and has delivered (and continues to deliver) lectures for the Malaysian Bar's Continuing Professional Development scheme, pertaining to company law.

Programme

8.00 am - 9.00 am Registration & Light Breakfast

9.00 am - 9.40 am **Opening Address : Eschewing the Stigmas And Transforming the Mindset**
Ariff Hakimi Abdul Hamid | *Pengarah Insolvensi Negeri Kedah*

9.40 am - 10.40 am **Substantive Reforms in Bankruptcy Law**
Khoo Kay Ping | *Partner, Zaid Ibrahim & Co*

- Introduction to the changes affecting the Insolvency Act 1967
- Change of name of the Act
- Minimum debt threshold
- Single bankruptcy Order
- Voluntary arrangement

10.40 am - 11.10 am Break

11.10 am - 12.30 pm **Substantive Reforms in Bankruptcy Law (cont)**
Khoo Kay Ping | *Partner, Zaid Ibrahim & Co*

- Safeguard & protection of sureties, social guarantors & non-social guarantors
- Discharge of bankrupts
- Service of bankruptcy papers
- Insolvency Assistant Fund
- Filing of bankruptcy notice
- Q & A

12.30 pm - 1.30 pm Lunch & Networking

1.30 pm - 2.40 pm **From Filing to Bankruptcy Order : Procedure & Challenges**
Gavin Jay Anand Jaypal | *Principal, Gavin Jayapal*

- Procedural steps: Initiating and maintaining bankruptcy proceedings
- Relevant cause papers and timelines for filing and service of relevant documents
- Defending bankruptcy proceedings
- Common errors and procedural pitfalls
- Courtroom etiquette and practice points
- Q & A Session

2.40 pm - 3.00 pm Break

3.00 pm - 5.00 pm **The New Companies Act 2016 - Fundamentals of Company Law**
Gavin Jay Anand Jaypal | *Principal, Gavin Jayapal*

- The corporate veil and the Constitution of a Company
- Shareholders - What are they and what do they have a right to?
- Shareholders' Agreements - *Jet-Tech Materials Sdn Bhd & Anor v. Yushiro Chemical Industry Co Ltd & Ors & Another Appeal* [2013] 2 CLJ 277
- The doctrine of reflective loss
- Turquand's Rule (Indoor Management)- Discussing, *inter alia*, *Hubah Sdn Bhd & Ors v. Koperasi Pusaka (Penampang) Bhd* [2013] 6 CLJ 837 and *Far East Holdings Bhd & Anor v. Majlis Ugama Islam Dan Adat Resam Melayu Pahang* [2018] 1 CLJ 693
- Directors' duties- The law and considering directors' duties pursuant to the recent FC decision of *Tengku Dato' Ibrahim Petra Bin Tengku Indra Petra v. Petra Perdana Bhd* [2017] 1 LNS 1929
- Shadow and De Facto Directors
- Winding-Up of Companies : A brief overview

Registration Form

Please fill in the form in BLOCK LETTERS

Registration Fees

	Fees	Fees inclusive of 6% GST	No. of pax	Total fees
<input type="checkbox"/> Early Bird Registration	RM790.00	RM837.40		
<input type="checkbox"/> Normal Registration	RM950.00	RM1,007.00		

*Early Bird Registration has to be registered and paid by 28 February 2018

Who to Invoice and Contact?

Name _____
Designation _____
Company _____
Industry _____
Address _____
Tel No _____ Fax No _____
Email _____

Delegate Details (Name to appear on certificate)

(1) Name _____
Designation _____ B/C No (if applicable) _____
Email _____
 Please tick if you require vegetarian meals

(2) Name _____
Designation _____ B/C No (if applicable) _____
Email _____
 Please tick if you require vegetarian meals

(3) Name _____
Designation _____ B/C No (if applicable) _____
Email _____
 Please tick if you require vegetarian meals

(4) Name _____
Designation _____ B/C No (if applicable) _____
Email _____
 Please tick if you require vegetarian meals

Payment Details

Cheque

(Cheque should be made payable to The Malaysian Current Law Journal Sdn Bhd. **Kindly also state your name/organisation name and contact number at the back of the cheque**)

Bank _____
Cheque No _____
Amount _____

Credit Card

(I authorise The Malaysian Current Law Journal to process this payment)

Issuing Bank _____
Name on Card _____
Credit Card No _____
Expiry Date _____

Bank Deposit

Account No : 86-0227441-7
Name of Bank : CIMB Islamic Bank Berhad
(Please ensure payments are payable to The Malaysian Current Law Journal Sdn Bhd. **Email this order form together with the copy of bank-in slip to priority@cljlaw.asia**)

Approving Manager

To process your registration, kindly provide the name and signature of a manager who is authorized by your firm/organisation to approve the seminar fees.

Name _____
Designation _____
Signature _____
Company Stamp _____

- I agree to the Privacy Policy found at <http://goo.gl/mM1y2T>
 I do not wish receive any promotional or marketing materials from the Malaysian Current Law Journal

Enquiry & Registration

 (603)-4270 5400  (603)-4270 5401
 priority@cljlaw.asia  www.cljlaw.com
 The Malaysian Current Law Journal Sdn Bhd
Unit E1-2, Block E, Jalan Selaman 1, Dataran De Palma,
68000 Ampang, Selangor 000936050688 (GST Reg No.)

Contact: **Mahendran**

Email: mahendran@cljlaw.com

Tel: **010-238 0409**

SEM045-CLJ

Terms & Conditions

General Terms & Conditions

Kindly take note that by completing, signing and sending us this registration form, you are confirming your respective seat(s) for attendance of this seminar(s). You are also confirming your understanding and acceptance of our Payment and Cancellation Policy.

Full payment of the amount shall be made within fourteen (14) days from the date of the issuance of invoice or on the event day, whichever earlier. Delegate(s) who choose to pay on the event day will be required to submit a Letter of Undertaking beforehand.

A confirmation email will be sent to each delegate after payment is processed by Malaysian Current Law Journal (CLJ). If you do not receive a confirmation by 16 March 2018, please call us at (603) 4270 5400.

CLJ reserves the right to change the date, venue and speaker(s) for the seminar(s) where necessary.

Should we have to cancel or postpone the seminar, our responsibility is limited to a refund of any registration fee(s) already paid. CLJ is not responsible for travel, accommodation or other related/unrelated expenses which may have been incurred by delegate(s) attending this seminar.

Cancellation Policy

If delegate(s) decide to cancel their enrollment, the following terms shall apply:

- Written cancellation received 4 weeks before the event date: A refund of 80% will be made.
- Written cancellation received 3 weeks before the event date: A refund of 50% will be made.
- For cancellation received less than fourteen (14) days before the event date, no refund will be entertained.
- In the event of a no-show, delegates are still liable for the full seminar fee(s) unless cancellation is received by CLJ before the cut-off date above.

You may substitute an alternative delegate(s) by notifying CLJ at least 5 (five) working days before the date of the event. Any differences in fees will be charged accordingly.