



COMPANIES ACT 2016: PRACTICE NOTE NO. 7/2024

**PUBLICATION OR ADVERTISEMENT ON THE OFFICIAL
WEBSITE OF THE COMPANIES COMMISSION OF MALAYSIA
(SSM) IN LIEU OF ANY INFORMATION REQUIRED TO BE
PUBLISHED OR ADVERTISED UNDER
THE COMPANIES ACT 2016**

This Practice Note is issued pursuant to section 20C of the Companies Commission of Malaysia 2001 and section 612A of the Companies Act 2016 (CA 2016).

OBJECTIVES

2. The objectives of this Practice Note are:

- (a) to provide the manner to publish or advertise information on the official website of the Companies Commission of Malaysia (SSM) which is otherwise required to be published or advertised in a newspaper under the CA 2016;

- (b) to provide the documents or provisions which are referred in the CA 2016 for the purposes of publication or advertisement of the information on the official website of SSM; and
- (c) to provide any other related matters or general requirements for the publication or advertisement of the information on the official website of SSM.

GENERAL REQUIREMENTS TO PUBLISH OR ADVERTISE INFORMATION ON SSM WEBSITE

3. Currently, there are certain provisions in the CA 2016, and its related subsidiary legislations, that mainly require companies to advertise any information in “*one widely circulated newspaper in Malaysia in the national language and one widely circulated newspaper in Malaysia in the English language*”. These provisions are as listed in **Annexure A** and the list is not exhaustive.

4. By virtue of the enforcement of the Companies (Amendment) Act 2024 [Act A1701], the CA 2016 was amended with the introduction of section 612A which states the following:

“Publication or advertisement on website

612A. *Where any information is required to be published or advertised in a newspaper under this Act, any person may, in lieu of publishing or advertising the information in a newspaper, publish or advertise the information on the website of the Commission in the form and manner as the*

Registrar may determine upon payment of the prescribed fee.”.

5. The main purposes of this provision are:
 - (a) to provide an alternative to practical issues with the circulation of physical newspapers where the circulation is not readily available throughout Malaysia;
 - (b) to provide an alternative solution with a lower cost to advertise or publish required under the CA 2016;
 - (c) to ease the difficulties faced by the public where there is a need to publish or advertise as required by CA 2016; and
 - (d) to provide for the establishment of a central platform where the advertisement and publication of information requirement by the CA 2016 can be advertised or published and easily accessible for future references.

6. This new provision under section 612A provides that the official website of SSM may be used as an alternative platform to publish or advertise information in lieu of the statutory requirements to publish or advertise such information in widely circulated newspapers throughout Malaysia. In addition, the requirement under the section provides clarifications and include the following:

- (a) that the section is meant to provide an alternative platform of publication or advertising for companies and it is not meant to impose additional requirements pertaining to publication or advertising obligations under the CA 2016;
- (b) that the “companies” under the section includes a foreign company registered under the CA 2016; and
- (c) that the “applicants” for this section means director, company secretary, official receiver, receiver, receiver and manager, nominee, interim liquidator, liquidator, interim judicial manager, judicial manager, creditor, solicitor for applicant as specified under the CA 2016.

FORMAT, CONTENT AND SUBMISSION OF INFORMATION

7. Companies or applicants may publish or advertise any information with reference to the related provisions in CA 2016 and its related subsidiary legislation as specified in **Annexure A** by using the respective Electronic Template Form (ETF) when submitting the information on the website of SSM. A sample of the ETF is attached in **Annexure B**.

8. Any information to be published or advertised must comply with the directions together with the terms and conditions of the

said ETF as specified by SSM and these may be updated from time to time as may be required by SSM.

9. In addition, the companies or applicants must ensure that all particulars which are necessary to be completed, acted upon or executed before the information is published or advertised in the website of SSM are duly verified, accurate, completed, acted upon or executed, as the case may be.

10. The companies or applicants must ensure that the information to be published or advertised on the official website of SSM comply with the following requirements:

- (a) the information to be published or advertised must be submitted to the official website of SSM **a day prior** to the day when the information is required under CA 2016 to be published or advertised using the ETF provided;
- (b) the ETF must be completed and contain the following:
 - (i) the submission date and publication date of the information to be published or advertised;
 - (ii) the content of the information to be published or advertised in both the national and English language; or where a provision requires only either one of the languages, to insert the word "N/A" in the advertisement space not used; and

- (iii) the particulars as required of the companies, applicants or any other person by, or on whose behalf, the information to be published or advertised is submitted.

11. The information to be published or advertised will not be accepted for the advertisement or publication purposes if the companies or applicants fail to comply with the requirements stated in paragraph 10.

FEE

12. The fee in respect of the information to be published or advertised under section 612A of the CA 2016 must be paid at the time the information is submitted as specified in item 40A of the First Schedule (Regulation 8) of the Companies Regulations 2017.

13. Where a fee is payable for or in respect of any matter involving the doing of an act or thing by the Registrar, the Registrar is precluded from doing such act or thing until the fee has been paid.

PUBLICATION, AMENDMENT OR REPLACEMENT DUE TO ERROR IN ADVERTISEMENT

14. Upon submission of the application for information to be published or advertised, the period of publication or advertisement of the information will be published or advertised for **seven (7)**

days from the intended day or such other periods as may be required under the CA 2016 on the official website of SSM.

15. In the event there is an error in the information which has already been published or advertised, any request to amend or replace the publication or advertisement shall not be considered. In such instances, a new application for the rectified information to be published or advertised must be submitted together with the payment of a new fee.

16. The information published and advertised will be available for downloading immediately upon such publication or advertisement and payment of fees. It shall continue to be available for downloading purposes by companies or applicants for the next seven (7) days via XCESS Portal from the official website of SSM.

17. The copy of the information published or advertised on the official website of SSM can be viewed by the public on the intended publication or advertisement date.

18. In addition to the information hereto, please refer to the Terms and Conditions on Publication or Advertisement of Information on SSM Website under section 612A of the Companies Act 2016 when submitting the information to be published or advertised on the official website of SSM.

REGISTRAR

COMPANIES COMMISSION OF MALAYSIA

30 NOVEMBER 2024

**Terms and Conditions on Publication or Advertisement
on the Official Website of SSM In Lieu of Any
Information Required to be Published or Advertised
under the Companies Act 2016**

1. The information to be published or advertised on the official website of SSM must be made in the format specified by SSM.
2. The information that has been published or advertised in the format required by SSM will become the property of SSM and will be kept by SSM.
3. SSM will not be responsible for any error in the information published or advertised on the official website of SSM or any error in the copy of the information published or advertised which has been purchased by the public.
4. The content of the information published or advertised on the official website of SSM is based on the information that has been filled in and provided by the companies or applicants.
5. The companies or applicants shall be solely responsible for the contents of the publication or advertisement and SSM shall not be held liable for the contents of the information published or advertised on the official website of SSM. SSM has the right to remove the publication or advertisement without reference to the companies or applicants if it is

discovered that the said publication or advertisement contains information or statements which the Registrar considers to be for unlawful or any purpose prejudicial to national security or public interest or incompatible with peace, welfare, public order, security, good order or morality in Malaysia.

6. There will be no refund on the payment made for the publication or advertisement on the official website of SSM if the Registrar removes the publication or advertisement pursuant to actions taken under paragraph 5.
7. Responsibility for observing this Practice Note rests primarily with the companies or applicants, even though an advertising agency, media agent or medium is involved in the publication of the publisher or advertiser's message to the public.
8. Publications and advertisements must comply with every aspect of the CA 2016 and it should not propagate fraudulent corporate practices.

Annexure A

(A) Companies Act 2016		
No.	Section	Type of Publication/Notice /Information
1.	s 75(3)(b)	Copy of statement to notify intention to issue shares to members of company
2.	s 104(2)(a)	Loss or destruction of certificates
3.	s 117(10)	Notice of reduction of share capital by company
4.	s 179(2)(b)	Notice of meeting of debenture holders
5.	s 322(4)(a)	Special notice of intention to move resolution before meeting to members of company
6.	s 368(5)(b)	Notice of order to restrain proceedings by Court
7.	s 369(1)(b)	Information as to compromise or arrangement with creditors and members
8.	s 369C(3)(b)	Notice of application made to Court to approve compromise or arrangement without meeting of creditors
9.	s 408(1)(a)	Notification for advertisement of notice of the application for judicial management order
10.	s 418(1)(b)	Notice judicial management order
11.	s 420(2)(b)	Notice stating address for members to write for copies of statement of proposal to be sent to members free of charge
12.	s 421(6)	Copy of any order of the Court made under subsection (5)

(A) Companies Act 2016		
No.	Section	Type of Publication/Notice /Information
13.	s 423(3)(b)	Notice stating address for members to write for copies of statement of the approved proposal to be sent to members free of charge
14.	s 439(2)(b)	Notice of resolution requiring company to be wound up voluntarily
15.	440(4)	Notice of appointment of interim liquidator with a copy of declaration lodged to Registrar
16.	s 449(4)	Notice of meeting of creditors
17.	s 459(2)	Calling of final meeting specifying time, place and object of meeting
18.	s 583(1)	Disposal of shares of shareholder whose whereabouts unknown
19.	s 596(2)(b)(i)	Notice of intention to apply for exemption on restriction on offering shares for subscription or purchase to public or member of public
20.	*Item 10(c) (8th Schedule / s 398)	Notification of commencement of moratorium
21.	*Item 12(a) (8th Schedule / s 398)	Notification of end of moratorium

** Advertisement under item 10(c) and item 12(a) of the Eighth Schedule can be made once the Companies Act (Amendment of Eighth Schedule) Order is enforced.*

(B) Corporate Rescue Mechanism Rules 2018		
No.	Rule	Type of Publication/Notice /Information
22.	rule 22(1)(b)	Notice of first creditors' meeting
23.	rule 37(3)(b)	Application to extend judicial management order
(C) Companies (Winding-up) Rules 1972		
No.	Rule	Type of Publication/Notice /Information
24.	rule 19	Advertisement in the Gazette
25.	rule 21	Memorandum of advertisements to be filed
26.	rule 24	Advertisement of petition
27.	rule 91	Notice of creditors to prove their debts or claims
28.	rule 114	Summoning of meetings of creditors and contributors

ANNEXURE B (Sample of ETF)

COMPANIES ACT 2016

Section 418(1)(b)

NOTICE JUDICIAL MANAGEMENT ORDER

..... (Company Name)
..... (Company Number)

*Publication Date:

*Submission Date :

KANDUNGAN IKLAN (VERSI BAHASA MELAYU)

Sila nyatakan kandungan iklan ini di sini

Empty box for advertisement content.

COMPANIES ACT 2016

Section 418(1)(b)

NOTICE JUDICIAL MANAGEMENT ORDER

..... (Company Name)
..... (Company Number)

ADVERTISEMENT CONTENT (ENGLISH VERSION)
<p>Please provide the contents of this advertisement here</p>

COMPANIES ACT 2016
Section 418(1)(b)
NOTICE JUDICIAL MANAGEMENT ORDER

..... (Company Name)
..... (Company Number)

Entity Name*	:	
Entity No.*	:	
Position	:	(Director/ Company Secretary/ Official Receiver/ Nominee/ Interim Liquidator/ Liquidator/ Interim Judicial Manager/ Judicial Manager/ Creditor/ Solicitor for Applicant)
License No/Membership No. (if applicable)	:	
SSM Practising Certificate No. (if applicable)	:	
RPB No./Approval No. (if applicable)	:	
Registered Address/ Business Address*	:	
Document Date	:	

**mandatory field*

Attention: It is an offence under section 591 of the Companies Act 2016 to make or authorize the making of a statement that a person knows is false or misleading and that person may be liable, upon conviction, to imprisonment for a term not exceeding ten years or to a fine not exceeding RM3 million or to both.

Disclaimer: SSM will not be responsible for any content or error in the information published or advertised on the official website of SSM.

***LODGER INFORMATION**

Name :
NRIC No :
Address :
Phone No :
Email :

END OF ADVERTISEMENT

THIS INFORMATION IS COMPUTER GENERATED. NO SIGNATURE IS REQUIRED.