

Loan to Directors and other parties

10 March 2025, Monday

9.00am – 5.00pm

Speaker: MS LEONG OI WAH FCIS
(CS) (CGP)

Virtual

Course code: CS100325W1

Closing date: 9 March 2025

**8 CPD
HOURS**

Course Introduction

Loans, guarantees and security may only be extended to Directors or other parties in strict compliance with the provisions of the Companies Act 2016 (“the Act”). The Act allows exempt private companies to give loan to the directors of the company or related companies or provide guarantee or security in connection with a loan made to such a director, including persons connected to the director. For non-exempt private companies, there are restrictions on such loan or guarantee. A company’s Constitution may, however, be more restrictive than the legislation with respect to loans to directors and persons connected to them and should be complied with even where the Act permits such loans. In addition, directors should be aware of their general fiduciary duties towards the company. For public listed companies, there are restrictions on financial assistance and obligations imposed for rendering financial assistance.

Course objectives

This course is to highlight to the participants the statutory prohibitions of loans by companies to their directors or connected persons and the limited instances where the companies are permitted to make such loans or provide guarantee through detailed illustrations.

About the trainer: MS LEONG OI WAH FCIS (CS) (CGP)

Leong Oi Wah is a Fellow Member of the Malaysian Institute of Chartered Secretaries and Administrators (MAICSA) and has more than 30 years of experience in handling corporate secretarial matters in the profession and the corporate sector.

She has been involved in advising on corporate secretarial requirements including corporate restructuring and compliance with various regulatory bodies such as the Registrar of Companies, Bursa Malaysia Securities Berhad, Securities Commission and other authorities.

She is currently Director, Corporate Development of Epsilon Advisory Services Sdn Bhd which specialises in providing the full range of corporate secretarial and advisory services. She is a regular trainer of MAICSA’s Continuing Professional Education programme and is also co-author of “Company Meetings, Minutes and Resolutions in Malaysia” published in 2021 by the Malaysian Current Law Journal..

Course contents

- What constitutes a loan or guarantee/security?
- Types of permitted loans or guarantee
- Decision chart to determine whether a person is connected with a director
- Procedures to procure shareholders’ approval – prior approval or ratification
- Liabilities of directors when approval is not given

Learning Outcome

By attending this programme, the participants will :

- have a better understanding of the legal requirements and obligations imposed on such provision of loans or guarantees.
- Identify transactions that are prohibited financial assistance.
- take-away checklist of procedures to deal with the permitted transactions.

Who should attend

Company secretaries, company secretarial assistants, company directors, accountants, lawyers and those who deal with corporate proposals

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Tel: **03-2282 9276 (ext 803)**

Attention: Ms Vicky

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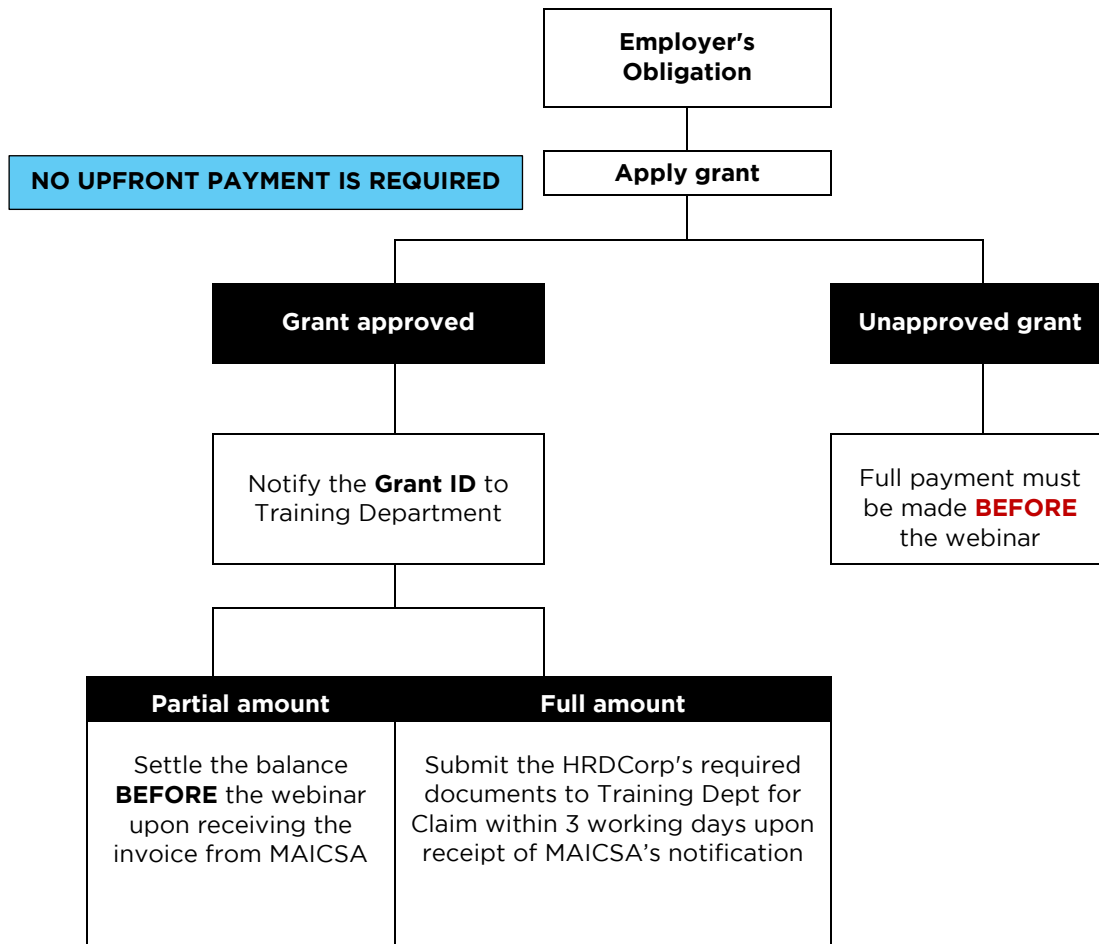
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