

Insolvency & Company Law

Impact of the New Legislative Regime



21 April 2018



8:00 am – 5:00 pm



Imperial Hotel, Miri, Sarawak

In collaboration with



CLJ



HRDF
Claimable



Bar Council Malaysia CPD Points:

6 CPD POINTS

T2/21042018/CCPCLJ/SWK184195/6

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



YA Tuan Dean Wayne Daly

Judicial Commissioner, High Court Miri

YA Tuan Dean Wayne Daly is at present the Judicial Commissioner of the High Court in Sabah & Sarawak at Miri. Yang Arif graduated with an Advanced Diploma in Law and obtained a Master of Laws (LLM) degree in Law In Development from the University of Warwick. He was called to the Sarawak Bar in 1992. Prior to being appointed as a Judicial Commissioner, Yang Arif actively held various distinguished positions, *inter alia*, as a judicial officer in the Judicial and Legal Service, Senior Judge for the first Special Corruption Sessions Court in Sabah & Sarawak, Director of Sabah Courts and was later promoted as the Registrar of the High Court in Sabah & Sarawak.



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, specializing 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 |
| 9.00 am - 9.40 am | Opening Address : Eschewing the Stigmas And Transforming the Mindset YA Tuan Dean Wayne Daly <i>Judicial Commissioner, High Court Miri</i> |
| 9.40 am - 10.40 am | Substantive Reforms in Bankruptcy Law Khoo Kay Ping <i>Partner, Zaid Ibrahim & Co</i> <ul style="list-style-type: none">• 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 <i>Partner, Zaid Ibrahim & Co</i> <ul style="list-style-type: none">• 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 <i>Principal, Gavin Jayapal</i> <ul style="list-style-type: none">• 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 <i>Principal, Gavin Jayapal</i> <ul style="list-style-type: none">• 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, <i>inter alia</i>, 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• Corporate Rescue Mechanism• Judicial Management• Winding-Up of Companies : A brief overview |

Mulu Here I Come!!!

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Trip Package

MAS Wings Flight

| Sector | Total (per person) |
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| Miri-Mulu-Miri | RM344.52 |

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1. Benarat Lodge : RM400 @ Twin / RM370 @ Triple

2. Mulu Marriott Resort : RM660 @ Twin / RM620 @ Triple

- Inclusive of: 6% GST
- Transfer and tours in Mulu (Excursion 4-showcaves)
- Boat ride/1 night stay/meals (1 breakfast/1 dinner/2 lunch)/tour guide/entrance fee
- Exclude: Tipping RM10.00 per person per day/traveling insurance

3D/2N Mulu

1. Benarat Lodge : RM512 @ Twin / RM465 @ Triple

2. Mulu Marriott Resort : RM1,030 @ Twin / RM960 @ Triple

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- Transfer and tours in Mulu (Excursion 4-showcaves)
- Boat ride/1 night stay/meals (1 breakfast/1 dinner/2 lunch)/tour guide/entrance fee
- Exclude: Tipping RM10.00 per person per day/traveling insurance

*Information above are subject to change. All booking will be direct to the travel agent

Contact Details

Kindly contact Aishah Mustaffa Sayu Travel & Tours SDN. BHD for booking / further details regarding the trip:

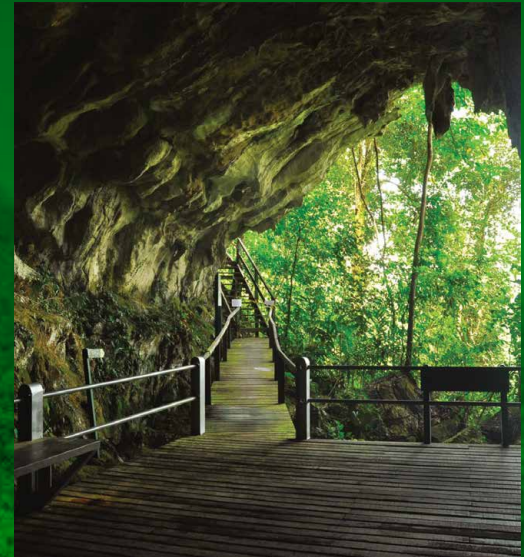
Email : eizha_mustaffa@sayugroup.com

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Fax: 085 - 416100

Address: Sayu Travel & Tours SDN. BHD. (ISO 9001 QMS Certified Company)

Lot 321, Ground Floor, Unit G3, Block 8, MCLD, Jalan Liliun, Pujut Corner,
Padang Kerbau, 98000 Miri, Sarawak.



The Location

Gunung Mulu is Sarawak's largest national park (544 sq km), and also Malaysia's first World Heritage Area, a status it was awarded in 2000. It is most famous for its limestone cave systems, including the world's largest natural chamber (the Sarawak Chamber), the world's largest cave passage (Deer Cave) and the longest cave in Southeast Asia (Clearwater Cave). The park's main attractions are the four show caves (Wind, Clearwater, Deer and Langs Caves), all readily accessible by wooden walkways and paths. Other fascinating sights and activities include; a bat observatory; a 480m rainforest canopy skywalk (the world's longest tree-based walkway); adventure caving trips to some of Mulu's less accessible caves; the challenging Mulu Summit climb, the spectacular Pinnacles trail, and the historic Headhunter's trail through remote rainforest scenery.

Registration Form

Please fill in the form in BLOCK LETTERS

Registration Fees

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| <input type="checkbox"/> Early Bird Registration | RM550.00 | RM583.00 | | |
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*Those who have attended the *National Symposium on Islamic Banking and Finance 2018* at the Imperial Hotel, Miri on 20th & 21st January 2018 will get a *RM50 discount* from the registration fee. Kindly provide us a copy of your certificate of attendance

*Mulu Trip price not included

*Early bird registration has to be registered and paid by 30 March 2018

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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 6 April 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 enrolment, 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.