



DM Corporate Holding (M) Sdn Bhd

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INFORMATION ABOUT COMPANY SECRETARY

WHAT IS COMPANY SECRETARY?

- Must be natural person of full age
- as principal in Malaysia or place of residence in Malaysia
- Must be a member of prescribed body or is licensed by the registrar of companies

WHAT IS THE QUALIFICATION OF COMPANY SECRETARY?

Every company shall have one or more secretaries, each of whom shall be a natural person of full age. With effect 10th September 1992, NO PERSON shall act as a company secretary to a company unless: a. He is member of

Any person who contravenes the above requirement shall be guilty of an offence against the CA, shall be liable to a penalty not exceeding RM5K

WHAT ARE THE SECRETARY'S APPOINTMENT PROCEDURES?

The first secretary shall be named in the articles

Appointment is effective from the date of incorporation.

Subsequent appointment apart from first secretary must be by the board.

Subsequent appointment only requires formal board resolution.

The first form 49 required to be filed with Registrar of Companies within one month from the date of incorporation.

The particulars of the first secretary shall be entered into the register book.

WHAT SECTIONS RELATING TO RESIGNATION AND REMOVAL OF COMPANY SECRETARY?

A company Secretary may resign by giving resignation letter to the board

The position of the vacant secretary must not be left unfilled for more than one month

Form 49 – reflecting the resignation and appointment of new secretary must be lodged with Registrar of companies

In practice, the removal of secretary and appointment is done simultaneously

HOW AN OFFICE SECRETARY CAN VACATE IN DESERTED COMPANIES?

Intention to vacate office of secretary through Form 48E after failure to contact the directors from last known address.