

Insolvency & Company Law

Impact of the New Legislative Regime

 27 March 2018

 8:00 am – 5:00 pm

 Eastern & Oriental Hotel, Penang



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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

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- 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.

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