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### CCM Issues New Practice Note No 6/2019

On 5 November 2019, the Companies Commission of Malaysia (better known as SSM) issued Practice Note No 6/2019 (**PN 6/2019**) pursuant to section 20C of the Companies Commission of Malaysia Act 2001 [*Act 614*].

PN 6/2019 serves to clarify the procedures under section 602 of the Companies Act 2016 (**CA 2016**) for the rectification of errors contained in the earlier lodged or registered documents with the SSM. [\[1\]](#)

Note that PN 6/2019 supersedes the Practice Note No 2/2018 (**PN 2/2018**) issued by the SSM on 4 June 2018.

SSM has introduced the following main amendments under PN 6/2019:

1. Two additional grounds on which the Registrar may exercise his discretion to refuse an application for rectification, i.e. if the lodgment date of the document containing the error, mistake or omission is more than seven years, or if a winding up order has been granted by the court against the company. [\[2\]](#)
2. Requirement for the Registrar to make written notification to the applicant and to state the ground of refusal in the event the Registrar refuses the application for rectification. [\[3\]](#)
3. Clarification that if the applicant has obtained a court order granting the application for rectification upon an appeal made against the decision made by the Registrar pursuant to section 602(4) of CA 2016, no further application under section 602(1) of CA 2016 is required to be made to the Registrar. [\[4\]](#) The Registrar shall rectify or amend the register in the manner specified in such rectification order.
4. Requirement that the court's rectification order shall be lodged with the Registrar within the time frame prescribed by the court, or in the absence of such, within 14 days from the date such order is granted. [\[5\]](#)

5. Requirement that the application for rectification shall be made by way of an application form<sup>[6]</sup> and to be accompanied by supporting documents<sup>[7]</sup> which must be certified by the secretary or agent of the company.<sup>[8]</sup>
6. Previous requirement for the application for rectification under section 602(1) of CA 2016 to be accompanied by a court order if such application is not made by the same person making the earlier lodgment of the document<sup>[9]</sup> has been omitted.
7. Previous requirement for the amended document to be accompanied by the relevant filing fee prescribed in the Companies Regulations 2017<sup>[10]</sup> has been omitted.

The complete version of PN 6/2019 may be found [here](#).

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<sup>[1]</sup> Application for rectification pursuant to Section 602 of CA 2016 may only be made if such error falls within the parameter of Section 602(1), i.e. contains any matter which is contrary to law, false or misleading in the form of context in which the matter is included, incorrect or erroneous, or has not been duly completed due to an omission or misdescription.

<sup>[2]</sup> PN 6/2019, para 9(b) and (c).

<sup>[3]</sup> PN 6/2019, para 10.

<sup>[4]</sup> PN 6/2019, para 11.

<sup>[5]</sup> *Ibid.*

<sup>[6]</sup> Paragraph 12 of PN 6/2019 refers to the application form as “Appendix 1” (which, we note, appears to have been inadvertently omitted as there is no Appendix to PN 6/2019). Appendix 1 may have been intended by SSM to be the prescribed “**Rectification of Register’s form**” pursuant to section 602(1) of CA 2016.

<sup>[7]</sup> Paragraph 12(a) to (e) of PN 6/2019 constitutes examples of the supporting documents (which are non-exhaustive).

<sup>[8]</sup> PN 6/2019, para 12.

<sup>[9]</sup> PN 2/2018, para 11

