

## CHECKLIST 6

### SECTION 45 COMPANIES ACT 2016 (CA 2016)

#### LODGEMENT OF APPLICATION FOR THE MINISTER'S / REGISTRAR'S APPROVAL

##### - SOLICITATION OF DONATION FROM THE PUBLIC BY A COMPANY LIMITED BY GUARANTEE (CLBG)

#### A. APPLICATION FEE

1. Payment of the required fee of either:
  - (a) **RM300** - Approval by Minister – only applicable to CLBGs with license conditions issued by the Minister pursuant to section 24(3) of the Companies Act 1965 (CA 1965) or CLBG which the Constitution provided that such an application must be approved by the Minister; or
  - (b) **RM100** - Approval by Registrar – applicable to all other CLBGs which do not fall under category 1(a) above.
2. Application must be accompanied with Section 45 Form -  
*Application by CLBG for Minister's approval (existing CLBG - Appendix C); or*  
*Application by CLBG for Registrar's approval (Appendix B).*

Payment can be made to Suruhanjaya Syarikat Malaysia (**SSM**) by cash/ money order/ bank draft/ banker's cheque.

#### B. DOCUMENTS TO BE ENCLOSED

3. Application letter  
Contents of the application letter:
  - The purpose and reasons for solicitation of donation from the public.
  - Main activities of the CLBG

4. A copy of the Notice of Registration / Certificate of Incorporation (Form 8) under the CA 1965.
5. A copy of the CLBG's Constitution.
6. A copy of the licence under section 45(1) CA 2016/a copy of licence pursuant to section 24(1) CA 1965 (Form 15) and the licence conditions issued under section 24(3) of CA 1965/section 45(5) CA 2016, if applicable.
7. A copy of the proposal for the solicitation of donation:  
Contents of proposal:
  - Objectives and procedures of the donation solicitation.
  - Activities planned for the solicitation of donation.
  - Targeted audience for the solicitation of donation.
  - Targeted maximum and minimum collections.
8. A copy of the donation process which among others should contain the donation procedure, process flow-chart, funds management and handling, funds recording manner and cash flow, funds processing and the persons in charge of managing the whole donation process.
9. Sample of the promotional documents of the solicitation of donation activity such as letter, advertisement, brochure and others.
10. Statutory Declaration by the director/trustee confirming adherence to the relevant requirements as per **Example 5A** for the Minister's Approval and **Example 5B** for the Registrar's Approval.
11. Directors' Resolution pertaining to the approval for solicitation of donation to be signed by a Director and a Company Secretary.
12. The latest Audited Financial Statements of the CLBG. CLBG incorporated for less than one (1) year is not eligible to apply for this application.
13. A statutory declaration that in making this application, the CLBG has complied with all requirements of the CLBG's current Constitution by company secretary or one of director/trustee.

**C. LODGEMENT**

14. The documents are required to be lodged with the fees payable at the address below:

SURUHANJAYA SYARIKAT MALAYSIA  
LEVEL 17, MENARA SSM@SENTRAL  
NO. 7, JALAN STESEN SENTRAL 5  
KUALA LUMPUR SENTRAL  
50623 KUALA LUMPUR