

CHECKLIST 1

SECTION 45(3) COMPANIES ACT 2016 (CA 2016)

LODGEMENT OF APPLICATION FOR THE MINISTER'S APPROVAL

- FOR NEW INCORPORATION OF A CLBG

A. APPLICATION FEES

1. A payment of **RM700** as the required fee for:

- Using a gazetted word
- Omission of the word 'Berhad'/'Bhd'
- Perusal of the Constitution

OR

A payment of **RM400** as the required fee for:

- Omission of the word 'Berhad'/'Bhd'
- Perusal of the Constitution

2. Application must be accompanied with section 45 Form - **Application by CLBG for Minister's approval (Appendix A)** together with the payment. 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:

- Justification and purpose for:
 - ✓ Using the word 'Yayasan/Foundation/Institute'.
 - ✓ Omission of the word 'Berhad'/'Bhd'.

- Reasons for incorporating the CLBG under CA 2016 and not under the Societies Act 1966.
 - State only one (1) category of the CLBG based on the objects stated under section 45(1) CA 2016.
4. Explanation and justification by the promoter for the use of the proposed name. Any supporting letter from any government agency for the use of the proposed name, if applicable.
 5. Detailed activities to be carried out.
 6. Statutory Declaration by the promoter and proposed director confirming whether prior application has been made or not under the Societies Act 1966 or other laws administered by Bahagian Hal Ehwal Undang-Undang (BHEUU) Jabatan Perdana Menteri, Labuan Financial Services Authority (LOFSA) or other state authorities for registration of Non-Profit Organization. If yes, to provide the supporting documents.
 7. A copy of Application for Availability of Names and Reservation under section 27(1), (4) CA 2016.
 8. A draft copy of CLBG's Constitution.
 9. A copy of identification card (IC)/passport of the promoter and proposed director.
 10. Biodata, qualification and experience in charitable activities for each proposed director and promoter. Please refer to the format in **Example 3**.
 11. Please ensure that the proposed promoter(s)/director(s) do not have any outstanding compound prior to submission of this application.
 12. A letter of consent to act as a promoter from each promoter.
 13. A letter of consent to act as a director from each director.
 14. Information on the contributor/donor confirming the **financial contribution of RM1 million** (only in Ringgit Malaysia currency) to be made within six (6) months from the date of incorporation.

Please follow the respective procedure below.

(a) Individual contributor/donor

The supporting documents are:

- A Statutory Declaration by the individual contributor and the amount that the contributor has agreed to contribute; and
- Latest Bank Statement OR fixed deposit (RM currency).

(b) Other entity (e.g association, bureau, school/sports club, etc.) which acts as a contributor/donor

The supporting documents are:

- A minute of meeting by the entity of which the contents should among others include the amount that has agreed by the entity to contribute;
- Latest Bank Statement OR fixed deposit (RM currency);
- Latest Financial Statement; and
- Any other documents that may be relevant to the application.

(c) Company which acts as a contributor/donor

The supporting documents are:

- A resolution by the company of which the contents should among others include the amount that the company has agreed to contribute;
- Latest Bank Statement of the company OR fixed deposit (RM currency); and
- Latest Audited Financial Statement of the company.

15. For new CLBG incorporation, an estimated/forecasted income and expenditure for a period of two (2) years from the establishment of the CLBG. Estimated income and expenditure statement should show the contribution from the donor. Please refer to the format in **Example 4**.

C. LODGEMENT

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

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