

Requirement to register with Registrar

241. (1) Any person who is qualified to act as a secretary and who desires to act as a secretary shall be registered under this section before he can act as a secretary.

(2) The Registrar shall cause a register of secretaries to be kept and shall cause to be entered in the register in relation to a secretary—

- (a) the name of the secretary;
- (b) the residential address and business address of the secretary;
- (c) the details of the qualifications referred to in subsection 235(2); and
- (d) such other information as the Registrar may require.

(3) The Registrar, before registering such person, may—

- (a) require him to produce any evidence to his satisfaction of the qualification as stated under subsection 235(2); or
- (b) impose any other conditions that he deems fit.

(4) If the requirements under subsection (3) are satisfied, the Registrar shall—

- (a) enter the particulars in the register of secretaries; and
- (b) issue a practising certificate in such form as the Registrar may determine.

(5) On or after the commencement of this Act, a person who is a secretary of a company and who is not registered under subsection (1) may continue to act as a secretary to the company for a period of not more than twelve months or any longer period as the Registrar may allow.

(6) After the expiry of the period referred to in subsection (5), a person who fails to comply with the requirement to register shall be deemed to have not been registered under this section.

(7) The Minister shall have the power to make regulations on any matters relating to any practicing certificate issued under this section.

(8) Any person who contravenes subsection (1) commits an offence.

Prohibition to act in dual capacity

242. A person is prohibited to act in a dual capacity as both a director and a secretary in a situation that requires or authorizes anything to be done by a director and a secretary.

Division 3

Accounts and Audit

Subdivision 1

Financial Statements and Report

Interpretation

243. For the purposes of this Division—

“approved accounting standards” has the meaning assigned to it in section 2 of the Financial Reporting Act 1997 [*Act 558*];

“subsidiary”, except for section 246 has the meaning assigned to it in the approved accounting standards issued by the Malaysian Accounting Standards Board established under the Financial Reporting Act 1997.