

GUIDELINES FOR THE APPLICATION TO STRIKE A COMPANY OFF THE REGISTER UNDER SECTION 550 OF THE COMPANIES ACT 2016 DURING THE MORATORIUM PERIOD FROM 16 APRIL 2025 TO 30 SEPTEMBER 2025

This Guidelines is issued pursuant to section 20C of the Companies Commission of Malaysia Act 2001 [Act 614].

OBJECTIVES

2. This Guidelines serve to inform the requirements and procedures in relation to the application to strike a company off the register under section 550 of the Companies Act 2016 [Act 777] ('the Act') during the moratorium period commencing from 16 April 2025 to 30 September 2025 ('the Moratorium Period').

BACKGROUND

3. The Companies Commission of Malaysia ('SSM') has issued '**Guidelines on Application by Directors or Members to Strike Off the Name of a Company under Section 550 of the Companies Act 2016**' (revised 19 April 2019). The said Guidelines outline the requirements and procedures that must be adhered to when applying for the striking off under section 550 of the Act.

4. Notwithstanding the said Guidelines, to promote corporate transparency and enhance compliance in the corporate sector, the Registrar has exercised his powers to ease the prerequisite requirements for companies seeking to be struck off from the register to assist eligible companies in terminating their operations

in an orderly and cost-effective manner. Nevertheless, these requirements shall only be applicable to applications made to the Registrar during the Moratorium Period.

5. Applicant who applies to strike off a company from the register under section 550 of the Act during the Moratorium Period is not required to submit the shareholders' resolution. Nonetheless, the applicant is obligated to undertake all requisite measures to secure consent from either all or the majority of the shareholders prior to the submission of the application.

6. In addition, if there are any outstanding penalties or unpaid compounds before the commencement of the Moratorium Period by the company or its directors or both before the application to strike off, the company and its directors will be entitled to receive a 95% reduction for each compound notice issued to the company and its directors.

WHO MAY APPLY?

7. The application for striking off under section 550 of the Act during the Moratorium Period may be made by either a director or a shareholder of the company. The applicant is required to –

- (a) complete the declaration of '**Application to Strike Off**' in **Appendix 1**;
- (b) furnish all necessary documents, and comply with the requirements set forth in the checklist in **Appendix 2**; and
- (c) submit to the Registrar the completed application (Appendices 1 and 2) with an application fee of RM100.00,

as specified in Item 27 of the Schedule of Fees under Regulation 8 of the Companies Regulations 2017 ('the Fee Schedule').

REQUIREMENTS FOR APPLICATION UNDER SECTION 550 OF THE COMPANIES ACT 2016 DURING THE MORATORIUM PERIOD

8. Notwithstanding the submission of a completed application, the Registrar may exercise his discretion to strike off a company from the register if he is satisfied that the application fulfils the following requirements:

- (a) The company has no assets and liabilities at the time when the application is made;
- (b) The company has no outstanding charges in the Register of Charges;
- (c) The company has no outstanding tax or other liabilities with any Government Department or Agency;
- (d) The information of the company with the Registrar is up to date;
- (e) The company is not involved in any legal proceeding, within or outside of Malaysia;
- (f) The company has not made any return of capital to the shareholders;
- (g) The company is not a holding company;

- (h) The company is not a "Guarantor Corporation"; and
- (i) The company is not a housing developer.

9. For clarity purposes, the requirements set out in paragraphs 8(a) to (h) in this Guidelines refer to the explanations outlined in paragraphs 5(b), (c), and (e) to (f) of the '**Guidelines on Application by Directors or Members to Strike Off the Name of a Company under Section 550 of the Companies Act 2016**' (revised 19 April 2019).

10. The Registrar may form his opinion based on the information in the Registrar's custody and the completed application submitted in accordance with this Guidelines.

Application by Subsidiary Companies

11. For applications made by a subsidiary company, and in addition to the requirements specified in paragraphs 7 and 8 above, the application must also be accompanied with the following requirements:

- (a) For a wholly owned subsidiary, a letter of consent from the holding company. The letter must be signed by one of the directors of the holding company and printed on the letterhead of the holding company;
- (b) For a subsidiary that is not wholly owned, letters of consent from all of its shareholders are required to be attached to the application. The letters must be signed and dated, and bear the signature of the shareholders. Where any of the shareholders is a company, the letter

of consent must be signed by all the directors of that company and printed on the company's letterhead; and

- (c) The holding and subsidiary companies must declare that they are not subject to or involved in any investigation or prosecution by any authority to the best knowledge of the director or shareholder signing the application for striking off or consent letter.

Application by Company Limited by Guarantee

12. For applications relating to a company limited by guarantee, in addition to the requirements set out in paragraphs 7 and 8 above, the application must be accompanied by the company's latest audited financial statements and a resolution from its directors.

APPLICATION PROCEDURES

13. The applicant shall submit the completed application form (as per **Appendix 1**) at any of the SSM's offices nationwide, accompanied by the required documents and the payment of the prescribed fee. The fee is non-refundable, regardless of the result of the application.

14. In cases where a company or its directors have outstanding penalties or compounds offered by SSM prior to the initiation of the Moratorium Period, a concurrent appeal for a reduction of the compound may be submitted to SSM in writing to –

The Director
Corporate Compliance Division
Level 26, Menara SSM@Sentral

**No. 7, Jalan Stesen Sentral 5
Kuala Lumpur Sentral
50623 Kuala Lumpur.**

WITHDRAWAL AND OBJECTION TO THE APPLICATION FOR STRIKING OFF

15. The applicant may withdraw the application within 30 days from the date specified in the notice or publication of notification on the SSM's website pursuant to subsection 551(1) of the Act. The withdrawal shall be made by lodging to the Registrar a '**Notice of Withdrawal of Striking Off Application**' in **Appendix 3** indicating the reasons for the withdrawal of the application, the necessary supporting documents and a prescribed fee of RM500.00 as specified in Item 29 of the Fee Schedule.

16. Any person may, subject to the payment of a prescribed fee of RM300.00 as specified in Item 28 of the Fee Schedule, object to the application for striking a company off the register by lodging to the Registrar a '**Notice of Intention to Object Striking Off Application**' in **Appendix 4** within 30 days from the date specified in the notice or publication of notification on the SSM's website pursuant to subsection 551(1) of the Act. The objection, based on any grounds referred to in subsection 552(1) of the Act, shall be supported by the necessary supporting documents.

17. Should the Registrar receive any objection from any person following the notification issued pursuant to subsection 551(1) of the Act, the Registrar will not proceed with the striking off unless the Registrar is satisfied that –

- (a) the objection has been withdrawn;

- (b) any facts on which the objection is based are not, or are no longer correct; or
- (c) the objection is frivolous and vexatious.

GAZETTE NOTIFICATION

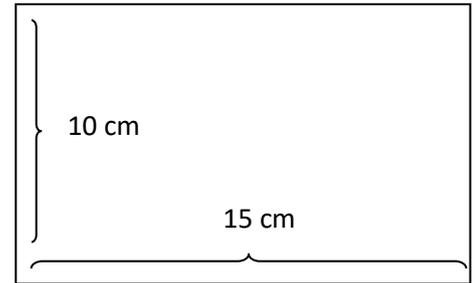
18. The striking off exercise is effected through the issuance of notice to the relevant parties and the publication of notification and *Gazette*. Upon publication in the *Gazette* pursuant to subsection 551(3) of the Act, the company shall henceforth be dissolved.

RESPONSIBILITY TO RETAIN REGISTERS AND RECORDS OF THE COMPANY AFTER STRIKING OFF

19. The directors shall retain all registers, books, statutory records, accounting records, and documents as required under the Act for a period of 7 years after the company has been struck off from the register and shall make them available for inspection upon request by the Registrar.

REGISTRAR OF COMPANIES
COMPANIES COMMISSION OF MALAYSIA
16 APRIL 2025

APPENDIX 1



Fee: RM100

COMPANIES ACT 2016

Section 550

APPLICATION TO STRIKE OFF COMPANY

_____ (Company Name)

DECLARATION

I, (NRIC No :.....) of residential address athereby state the following:

- (a) I am a director/shareholder* of(name of company and its' incorporation number);

#As a director/shareholder of the company, I have taken all necessary steps to obtain consent from all or the majority of shareholders before applying for striking off;
- (b) The Company has not carried on business/has not been in operation* since The company has no intention to commence its operation/carry on its business* in the future;
- (c) The company does not have any assets or liabilities including any outstanding charges in the Register of Charges kept the Registrar;
- (d) The company has no outstanding penalty or compound/has outstanding penalty or compound* under the Companies Act 2016. The company hereby applies/appeals to the Registrar for the penalty or compound to be waived/reduced;
- (e) The company has no outstanding tax or any other liabilities, and is not indebted to the Government/the Government departments/agencies in Malaysia;
- (f) The information of the company with the Registrar as shown in the attached "print-out" from the register is true and is up to-date;
- (g) The company is not involved in any impending legal proceedings, whether from within or outside Malaysia;
- (h) The company is not a holding company;
- (i) The company is a subsidiary of (state the name of the holding company and its incorporation number). *(The company must attach a letter of consent from its holding company if it is a wholly owned subsidiary, or letters of consent from all other shareholders if it is a subsidiary co-owned by other shareholders);*
- (j) The company is not a "Guarantor Corporation". *(The company must attach sufficient proof or evidence to show that it is no longer a "Guarantor Corporation" to enable it to apply for striking off);*

- (k) The company has not made any return of capital to the shareholders;
- (l) The company is not a housing developer.

** strike out whichever is not applicable.*

Declaration:

I confirm that the facts and information stated in this document are true and to the best of my knowledge.

Signed by Applicant:

Name:

Date:

Attention:

It is an offence under section 591 of the Companies Act 2016 to make or authorize the making of a statement that a person knows is false or misleading and that person may be liable, upon conviction, to imprisonment for a term not exceeding ten years or to a fine not exceeding RM3million or to both.

LODGER INFORMATION

Name :
NRIC No :
Address :
Phone No :
Email :

APPENDIX 2

CHECKLIST FOR ENCLOSURES

Company Name :

Company Number :

Please tick to ensure the items required are duly enclosed.

1. Application Fees of RM 100.00.
2. Covering Letter – Stating reasons to support the application.
3. Declaration by Applicant – Form Section 550.
4. Latest Management Accounts (Balance Sheet and Profit & Loss Statement) certified by the Director (on each page).
5. Waiver letters from directors/creditors.
6. Application by subsidiary company (s) must be supported with the following documents:
 - (i) In the case of a wholly owned subsidiary, a letter of consent from the holding company is required to be attached to the application. This letter of consent must be signed by one of the directors of the holding company and be printed on the holding company's letterhead; or
 - (ii) In the case of a company other than a wholly owned subsidiary, letters of consent from all shareholders are required to be attached to the application. The letters of consent must be signed, dated and bear the signature of the shareholders. Where any of the shareholders is a company,

the letter of consent must be signed by all the directors and printed on the company's letterhead; and

(iii) The holding and subsidiary companies must declare that they are not subject to or involved in any investigation or any prosecution by any authority to the best knowledge of the director/shareholder signing the application for striking off or the directors/shareholders signing the consent letter.

7. Application by a company limited by guarantee must be accompanied with its latest audited financial statements and directors' resolution.

8. Company Print-Out.

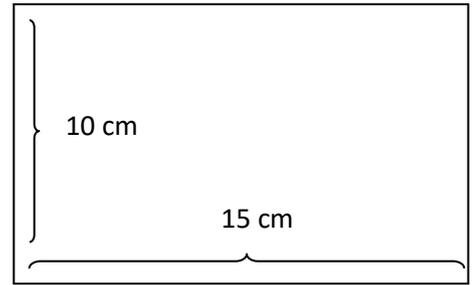
9. Tax clearance (if applicable).

APPLICANT'S SIGNATURE :

(Name)

DATE :

APPENDIX 3



Fee: RM500.00

COMPANIES ACT 2016

Section 553

NOTICE OF WITHDRAWAL OF STRIKING OFF APPLICATION

_____ **(Company Name)**

To the Registrar,

I, (Name and NRIC) an applicant, as referred to by virtue of section 550 of the Companies Act 2016, hereby gives notice to withdraw the application for striking off of the company on the following grounds:

(Tick where relevant)

- that the company is still carrying on business or there is another reason for it to continue in existence
- that, for any other reason, {please indicate the reasons for withdrawal}.

Declaration:

I confirm that the facts and information stated in this document are true and to the best of my knowledge.

Signed by:

_____ (Director/Shareholder/Liquidator)

Name :
Date :

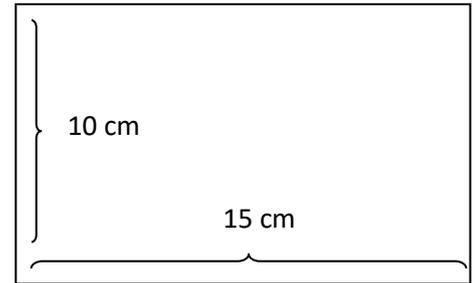
Attention:

It is an offence under section 591 of the Companies Act 2016 to make or authorize the making of a statement that a person knows is false or misleading and that person may be liable, upon conviction, to imprisonment for a term not exceeding ten years or to a fine not exceeding RM3million or to both.

LODGER INFORMATION

Name :
NRIC No :
Address :
Phone No :
Email :

APPENDIX 4



Fee: RM300.00

COMPANIES ACT 2016

Section 552

NOTICE OF INTENTION TO OBJECT STRIKING OFF APPLICATION

_____ (Company Name)

To the Registrar,

I, (Name and NRIC) hereby gives notice of the intention to object to the striking off the company from the register on the following grounds:

(Tick where relevant, and please attach relevant/supporting documents to the application)

- that the company is still carrying on business or there is another reason for it to continue in existence;
- that the company is a party to legal proceedings;
- that the company is in receivership or liquidation, or both;
- that I am a creditor or a member, or a person who has an undischarged claim against the company;
- that I believe that there exists, and intends to pursue, a right of action on behalf of the company under Division 6 of Part III of the Companies Act 2016;
- that, for any other reason, it would not be just and equitable to remove the company from the register.

By virtue of subsection 552(3) of the Companies Act 2016, I understand that the Registrar shall not proceed with the striking off if he is satisfied that:

- (a) the objection has been withdrawn;
- (b) any facts on which the objection is based are not, or are no longer correct; or
- (c) the objection is frivolous and vexatious.

Declaration:

I confirm that the facts and information stated in this document are true and to the best of my knowledge.

Signed by:

_____ (Applicant)

Name :
NRIC :
Date :

Attention:

It is an offence under section 591 of the Companies Act 2016 to make or authorize the making of a statement that a person knows is false or misleading and that person may be liable, upon conviction, to imprisonment for a term not exceeding ten years or to a fine not exceeding RM3million or to both.

LODGER INFORMATION

Name :
NRIC No :
Address :
Phone No :
Email :