



CHARTERED TAX INSTITUTE OF MALAYSIA (225750 T)
(Institut Percukaian Malaysia)

PROFESSIONAL EXAMINATIONS

FINAL LEVEL

COMPANY & BUSINESS LAW

JUNE 2018

Student
Registration No.

Date

Desk No.

Examination Centre

Time allowed: 3 hours

INSTRUCTIONS TO CANDIDATES

1. You may answer this paper **EITHER** in English **OR** in Bahasa Malaysia. Only **ONE** language is to be used.
2. This paper consists of **TWO** sections, **SECTION A** contains **THREE** Questions and **SECTION B** contains **THREE** Questions.
3. Answer **FIVE** Questions. **TWO** Questions from each section and **ONE** from either **SECTION**.
4. Each answer should begin on a separate answer booklet.
5. All your answers should be written in either black or blue ink.
6. No Question paper or answer booklet is to be removed from the examination hall.

DO NOT TURN OVER THIS PAGE UNTIL INSTRUCTED BY THE INVIGILATOR

SECTION A
COMPANY LAW

Question 1

- (a) Subject to the Constitution of a company, state the type and in what manner, may shares in a company be issued as stipulated in Section 69 Companies Act 2016.

(10 marks)

- (b) Other than preference shares, what are the rights and powers attached to shares generally?

(10 marks)

[Total: 20 marks]

Question 2

- (a) What are the essential requirements of a company, as stated in Section 9 Companies Act 2016?

(5 marks)

- (b) In an application for the formation of a company under Section 14 Companies Act 2016, what are the information or particulars that the person desiring to form a company must provide to the Registrar?

(15 marks)

[Total: 20 marks]

Question 3

- (a) Under what circumstances is a person disqualified to hold office as a director of a company?

(5 marks)

- (b) Under what circumstances will the court upon the application by the Registrar disqualify a person from acting as a director or a promoter?

(5 marks)

- (c) When can a person be appointed as a director of a company?

(5 marks)

- (d) Can the appointment of two or more directors of a public company in a general meeting be made in a single resolution?

(5 marks)

[Total: 20 marks]

SECTION B
BUSINESS LAW

Question 4

On 3rd May 2016, Ah Chong wrote to Ben that he wants to sell his yacht to Ben, for RM1 million. The letter expressly stated that if Ben did not reply by 10th May 2016, he would be deemed to have accepted the offer. On 9th May 2016, Ah Chong sent a letter to Ben withdrawing his offer. On 10th May 2016 Ben posted a letter to Ah Chong accepting Ah Chong's offer. Ah Chong's letter of withdrawal reached Ben on 11th May 2016. Ben's letter of acceptance reached Ah Chong on 12th May 2016. Ben wishes to know whether there is a valid contract between him and Ah Chong for the sale and purchase of the yacht.

Required:

Advise Ben under the law of contract.

[Total: 20 marks]

Question 5

Mr. Ben Hopkins intends to set up a business in Malaysia.

Required:

Advise him on how an agency may arise or be created in Malaysia.

[Total: 20 marks]

Question 6

In relation to the Sale of Goods Act 1957, answer the following question:

Required:

What are the conditions which are implied under the Sale of Goods Act 1957?

[Total: 20 marks]

(END OF QUESTION PAPER)