



27 November 2017  
27 November 2017  
P.U. (A) 362

# WARTA KERAJAAN PERSEKUTUAN

## *FEDERAL GOVERNMENT GAZETTE*

PERATURAN-PERATURAN INSTITUSI PENDIDIKAN  
TINGGI SWASTA (PERTUKARAN ATAU PERUBAHAN  
BERKENAAN DENGAN SYARIKAT) 2017

*PRIVATE HIGHER EDUCATIONAL INSTITUTIONS  
(CHANGE OR ALTERATION IN RESPECT OF COMPANY)  
REGULATIONS 2017*

DISIARKAN OLEH/  
*PUBLISHED BY*  
JABATAN PEGUAM NEGARA/  
*ATTORNEY GENERAL'S CHAMBERS*

AKTA INSTITUSI PENDIDIKAN TINGGI SWASTA 1996

PERATURAN-PERATURAN INSTITUSI PENDIDIKAN TINGGI SWASTA  
(PERTUKARAN ATAU PERUBAHAN BERKENAAN DENGAN SYARIKAT) 2017

PADA menjalankan kuasa yang diberikan oleh seksyen 15 dan 88 Akta Institusi Pendidikan Tinggi Swasta 1996 [*Akta 555*], Menteri membuat peraturan-peraturan yang berikut:

**Nama dan permulaan kuat kuasa**

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Institusi Pendidikan Tinggi Swasta (Pertukaran atau Perubahan Berkenaan Dengan Syarikat) 2017**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 28 November 2017.

**Permohonan bagi pertukaran atau perubahan berkenaan dengan syarikat**

2. (1) Suatu permohonan bagi kelulusan untuk menukar atau mengubah—

(a) nama syarikat;

(b) modal terbitan dan berbayar syarikat;

(c) amaun dana permulaan syarikat;

(d) penyertaan ekuiti syarikat;

(e) keanggotaan lembaga pengarah syarikat; atau

(f) memorandum persatuan dan perkara-perkara persatuan syarikat,

di bawah seksyen 15 Akta hendaklah dibuat oleh lembaga pengarah syarikat itu kepada Ketua Pendaftar dalam borang sebagaimana yang dinyatakan dalam Jadual Pertama.

(2) Permohonan di bawah subperaturan (1) hendaklah disertakan dengan—

(a) apa-apa dokumen sebagaimana yang ditentukan oleh Ketua Pendaftar; dan

(b) fi sebagaimana yang dinyatakan dalam Jadual Kedua.

(3) Fi yang disebut dalam perenggan (2)(b) hendaklah kena dibayar kepada Ketua Pendaftar.

(4) Jika permohonan di bawah subperaturan (1) ditarik balik oleh lembaga pengarah syarikat atau disifatkan telah ditarik balik di bawah perenggan 15(4)(a) Akta, fi yang telah dibayar berkenaan dengan permohonan itu tidak akan dibayar balik.

### **Pemberitahuan pertukaran atau perubahan berkenaan dengan syarikat**

3. Lembaga pengarah syarikat hendaklah memberitahu apa-apa pertukaran atau perubahan berkenaan dengan syarikat itu yang disebut dalam perenggan 2(1)(a), (b), (c), (d), (e) atau (f) kepada Ketua Pendaftar secara bertulis dalam masa empat belas hari selepas pertukaran atau perubahan berkenaan dengan syarikat itu berkuat kuasa di bawah Akta Syarikat 2016 [*Akta 777*].

JADUAL PERTAMA  
[Subperaturan 2(1)]

BORANG

PERATURAN-PERATURAN INSTITUSI PENDIDIKAN TINGGI SWASTA (PERTUKARAN ATAU  
PERUBAHAN BERKENAAN DENGAN SYARIKAT) 2017

PERMOHONAN BAGI PERTUKARAN ATAU PERUBAHAN BERKENAAN DENGAN SYARIKAT

No. Perakuan Pendaftaran Institusi:
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Ketua Pendaftar Institusi Pendidikan Tinggi Swasta,

Saya memohon untuk menukar atau mengubah berkenaan dengan—

*(Sila tandakan (√) mana-mana yang berkenaan)*

nama syarikat

modal terbitan dan berbayar syarikat

amaun dana permulaan syarikat

penyertaan ekuiti syarikat

keanggotaan lembaga pengarah syarikat

memorandum persatuan dan perkara-perkara persatuan syarikat

2. Disertakan bersama-sama ini fi sebagaimana yang dinyatakan dalam Jadual Kedua kepada Peraturan-Peraturan Institusi Pendidikan Tinggi Swasta (Pertukaran atau Perubahan Berkenaan Dengan Syarikat) 2017.

Cap Rasmi

\_\_\_\_\_  
(Tandatangan Pengerusi Lembaga Pengarah)

\_\_\_\_\_  
(Tarikh)

Nama Penuh: \_\_\_\_\_

\*No. K.P./No. Pasport: \_\_\_\_\_

Nama Syarikat: \_\_\_\_\_

\_\_\_\_\_  
*Nota: \*Potong mana-mana yang tidak berkenaan*

## BAHAGIAN A

### BUTIR-BUTIR PEMOHON

1. Nama syarikat: \_\_\_\_\_

*(Sila tandakan (√) mana-mana yang berkenaan)*

Jenis syarikat:

Syarikat berhad menurut syer

Syarikat berhad menurut jaminan

Alamat berdaftar syarikat: \_\_\_\_\_  
\_\_\_\_\_  
Poskod: \_\_\_\_\_  
Daerah: \_\_\_\_\_  
Negeri: \_\_\_\_\_  
No. Pendaftaran syarikat: \_\_\_\_\_  
No. Telefon: \_\_\_\_\_  
No. Faks: \_\_\_\_\_  
E-mel: \_\_\_\_\_

2. Nama institusi: \_\_\_\_\_  
Alamat : \_\_\_\_\_  
\_\_\_\_\_  
Poskod: \_\_\_\_\_  
Daerah: \_\_\_\_\_  
Negeri: \_\_\_\_\_  
No. Telefon: \_\_\_\_\_  
No. Faks: \_\_\_\_\_  
E-mel: \_\_\_\_\_  
Tarikh kelulusan bagi penubuhan: \_\_\_\_\_  
Tempoh kesahan semasa pendaftaran: daripada \_\_\_\_\_ hingga \_\_\_\_\_

BAHAGIAN B

PERTUKARAN ATAU PERUBAHAN NAMA SYARIKAT

1. Nama baharu syarikat yang dicadangkan:

\_\_\_\_\_

2. Sebab bagi pertukaran atau perubahan nama syarikat:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BAHAGIAN C

PERTUKARAN ATAU PERUBAHAN MODAL TERBITAN DAN BERBAYAR SYARIKAT

1. Butir-butir modal:

(a) Modal dibenarkan: RM\_\_\_\_\_

(b) Modal terbitan sedia ada: RM\_\_\_\_\_

(c) Modal berbayar sedia ada: RM\_\_\_\_\_

(d) Modal terbitan baharu yang dicadangkan: RM\_\_\_\_\_

(e) Modal berbayar baharu yang dicadangkan: RM\_\_\_\_\_

2. Sebab bagi pertukaran atau perubahan modal terbitan dan berbayar syarikat:

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BAHAGIAN D

PERTUKARAN ATAU PERUBAHAN AMAUN DANA PERMULAAN SYARIKAT

1. Butir-butir dana permulaan:

(a) Amaun dana permulaan sedia ada: RM\_\_\_\_\_

(b) Amaun dana permulaan baharu yang dicadangkan: RM\_\_\_\_\_

2. Sebab bagi pertukaran atau perubahan amaun dana permulaan syarikat:

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## BAHAGIAN E

## PERTUKARAN ATAU PERUBAHAN PENYERTAAN EKUITI SYARIKAT

## 1. Penyertaan ekuiti sedia ada:

(a) Ekuiti tempatan: \_\_\_\_\_% RM \_\_\_\_\_

(i) ekuiti bumiputera: \_\_\_\_\_% RM \_\_\_\_\_

(ii) ekuiti bukan bumiputera: \_\_\_\_\_% RM \_\_\_\_\_

(b) Ekuiti asing: \_\_\_\_\_% RM \_\_\_\_\_

## 2. Pemegang syer sedia ada:

Bil.	*Nama penuh/ Nama syarikat and No. K.P./No. Pasport/No. Pendaftaran Syarikat)	Kewarganegaraan (jika berkenaan)	Bangsa (jika berkenaan)	Syer	
				Nilai (RM)	Peratus (%)

*Nota: \*Potong mana-mana yang tidak berkenaan*

## 3. Penyertaan ekuiti baharu yang dicadangkan:

(a) Ekuiti tempatan: \_\_\_\_\_% RM \_\_\_\_\_

(i) ekuiti bumiputera: \_\_\_\_\_% RM \_\_\_\_\_

(ii) ekuiti bukan bumiputera: \_\_\_\_\_% RM \_\_\_\_\_

(b) Ekuiti asing: \_\_\_\_\_% RM \_\_\_\_\_

## 4. Pemegang syer baharu yang dicadangkan:

Bil.	*Nama penuh/ Nama syarikat and No. K.P./No. Pasport/No. Pendaftaran Syarikat)	Kewarganegaraan (jika berkenaan)	Bangsa (jika berkenaan)	Syer	
				Nilai (RM)	Peratus (%)

*Nota: \*Potong mana-mana yang tidak berkenaan*

## 5. Sebab bagi pertukaran atau perubahan penyertaan ekuiti syarikat:

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## BAHAGIAN F

## PERTUKARAN ATAU PERUBAHAN KEANGGOTAAN LEMBAGA PENGARAH SYARIKAT

## 1. Butir-butir lembaga pengarah sedia ada:

Bil.	Nama penuh (*No. K.P./No. Pasport)	Kewarganegaraan	Bangsa	Profesion	Jawatan	Peratus ekuiti, (jika berkenaan)

*Nota: \*Potong mana-mana yang tidak berkenaan*

## 2. Butir-butir lembaga pengarah baharu yang dicadangkan:

Bil.	Nama penuh (*No. K.P./No. Pasport)	Kewarganegaraan	Bangsa	Profesion	Jawatan	Peratus ekuiti, (jika berkenaan)

*Nota: \*Potong mana-mana yang tidak berkenaan*

3. Pengalaman penglibatan atau penggajian lembaga pengarah baharu yang dicadangkan dalam mana-mana institusi pendidikan tinggi atau dalam mana-mana syarikat yang menubuhkan suatu institusi pendidikan tinggi swasta:

Bil.	Nama penuh	Nama dan alamat (*institusi pendidikan tinggi/syarikat )	Tempoh		Jawatan
			Daripada	Hingga	

*Nota: \*Potong mana-mana yang tidak berkenaan*

4. Sebab bagi pertukaran atau perubahan keanggotaan lembaga pengarah syarikat:

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## BAHAGIAN G

PERTUKARAN ATAU PERUBAHAN MEMORANDUM PERSATUAN DAN PERKARA-PERKARA  
PERSATUAN SYARIKAT

1. Butir-butir pertukaran atau perubahan yang dicadangkan:

(a) Memorandum persatuan:

Bil.	Fasal sedia ada	Fasal baharu yang dicadangkan

(b) Perkara-perkara persatuan:

Bil.	Fasal sedia ada	Fasal baharu yang dicadangkan

2. Sebab bagi pertukaran atau perubahan memorandum persatuan dan perkara-perkara persatuan syarikat:

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BAHAGIAN H

AKUAN

Saya, \_\_\_\_\_  
No. K.P./No. Pasport: \_\_\_\_\_ Pengerusi lembaga pengarah  
\_\_\_\_\_ (nama syarikat) dengan  
sesungguhnya mengaku bahawa—

- (a) pernyataan yang terkandung dalam borang permohonan ini dan dokumen yang dilampirkan adalah benar sepanjang pengetahuan dan kepercayaan saya, dan jika pernyataan dan dokumen itu didapati palsu atau mengelirukan, Ketua Pendaftar mempunyai hak untuk mengambil apa-apa tindakan yang perlu sebagaimana yang diperuntukkan di bawah Akta; dan
- (b) sepanjang pengetahuan saya, semua anggota lembaga pengarah syarikat yang menubuhkan institusi pendidikan tinggi swasta ini tidak terlibat secara langsung dengan pengurusan atau perniagaan mana-mana institusi pendidikan tinggi swasta yang telah ditutup di bawah Bahagian XI Akta.

Ditandatangani dan diakui oleh,

Cap Rasmi

\_\_\_\_\_  
(Tandatangan)

\_\_\_\_\_  
(Tarikh)

JADUAL KEDUA  
[Perenggan 2(2)(b)]

FI

<i>Perkara</i>	<i>Fi (RM)</i>
Permohonan bagi menukar atau mengubah berkenaan dengan—	
<i>(a)</i> nama syarikat	50.00
<i>(b)</i> modal terbitan dan berbayar syarikat	50.00
<i>(c)</i> amaun dana permulaan syarikat	50.00
<i>(d)</i> penyertaan ekuiti syarikat	50.00
<i>(e)</i> keanggotaan lembaga pengarah syarikat	50.00
<i>(f)</i> memorandum persatuan dan perkara-perkara persatuan syarikat	200.00

Dibuat 27 November 2017  
[KPT.U.(S)100-1-1/2/2 Jld. 7; PN(PU2)566/II]

DATO' SERI IDRIS BIN JUSOH  
*Menteri Pendidikan Tinggi*

PRIVATE HIGHER EDUCATIONAL INSTITUTIONS ACT 1996

PRIVATE HIGHER EDUCATIONAL INSTITUTIONS (CHANGE OR ALTERATION  
IN RESPECT OF COMPANY) REGULATIONS 2017

IN exercise of the powers conferred by sections 15 and 88 of the Private Higher Educational Institutions Act 1996 [Act 555], the Minister makes the following regulations:

**Citation and commencement**

1. (1) These regulations may be cited as the **Private Higher Educational Institutions (Change or Alteration in Respect of Company) Regulations 2017**.

(2) These Regulations come into operation on 28 November 2017.

**Application for change or alteration in respect of company**

2. (1) An application for an approval to change or alter—

(a) the name of a company;

(b) the issued and paid-up capital of a company;

(c) the amount of the initial fund of a company;

(d) the equity participation of a company;

(e) the composition of the board of directors of a company; or

(f) the memorandum and articles of association of a company,

under section 15 of the Act shall be made by the board of directors of the company to the Registrar General in the form as specified in the First Schedule.

(2) The application under subregulation (1) shall be accompanied by—

(a) any documents as determined by the Registrar General; and

(b) the fee as specified in the Second Schedule.

(3) The fee referred to in paragraph (2)(b) shall be payable to the Registrar General.

(4) If the application under subregulation (1) is withdrawn by the board of directors of the company or deemed to have been withdrawn under paragraph 15(4)(a) of the Act, the fee paid in respect of the application shall not be refunded.

**Notification of change or alteration in respect of company**

3. The board of directors of a company shall notify any change or alteration in respect of the company referred to in paragraph 2(1)(a), (b), (c), (d), (e) or (f) to the Registrar General in writing within fourteen days after such change or alteration in respect of the company takes effect under the Companies Act 2016 [Act 777].

FIRST SCHEDULE  
[Subregulation 2(1)]

FORM

PRIVATE HIGHER EDUCATIONAL INSTITUTIONS (CHANGE OR ALTERATION IN RESPECT  
OF COMPANY) REGULATIONS 2017

APPLICATION FOR CHANGE OR ALTERATION IN RESPECT OF COMPANY

Certificate of Registration No. of Institution:
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Registrar General of Private Higher Educational Institutions,

I seek to apply for change or alteration in respect of—

*(Please tick (√) whichever is applicable)*

name of company

issued and paid-up capital of company

amount of initial fund of company

equity participation of company

composition of board of directors of company

memorandum and articles of association of company

2. Enclosed herewith the fee as specified in the Second Schedule to the Private Higher Educational Institutions (Change or Alteration in Respect of Company) Regulations 2017.

Official Stamp

\_\_\_\_\_  
*(Signature of Chairman of Board of Directors)*

\_\_\_\_\_  
*(Date)*

Full Name: \_\_\_\_\_

\*I.C. No./Passport No.: \_\_\_\_\_

Name of Company: \_\_\_\_\_

*Note: \*Delete whichever is not applicable*

## PART A

### PARTICULARS OF APPLICANT

1. Name of company: \_\_\_\_\_

*(Please tick (√) whichever is applicable)*

Type of company:

Company limited by shares

Company limited by guarantee

Registered address of company: \_\_\_\_\_  
\_\_\_\_\_  
Postcode: \_\_\_\_\_  
District: \_\_\_\_\_  
State: \_\_\_\_\_  
Company registration no.: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_  
E-mail: \_\_\_\_\_

2. Name of institution: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Postcode: \_\_\_\_\_  
District: \_\_\_\_\_  
State: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Date of approval for establishment: \_\_\_\_\_  
Current validity period of registration: from \_\_\_\_\_ to \_\_\_\_\_

PART B

CHANGE OR ALTERATION OF NAME OF COMPANY

1. Proposed new name of company:  
\_\_\_\_\_

2. Reason for change or alteration of name of company:

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PART C

CHANGE OR ALTERATION OF ISSUED AND PAID-UP CAPITAL OF COMPANY

1. Particulars of capital:

- (a) Authorised capital: RM\_\_\_\_\_
- (b) Existing issued capital: RM\_\_\_\_\_
- (c) Existing paid-up capital: RM\_\_\_\_\_
- (d) Proposed new issued capital: RM\_\_\_\_\_
- (e) Proposed new paid-up capital: RM\_\_\_\_\_

2. Reason for change or alteration of issued and paid-up capital of company:

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PART D

CHANGE OR ALTERATION OF AMOUNT OF INITIAL FUND OF COMPANY

1. Particulars of initial fund:

(a) Existing amount of initial fund: RM \_\_\_\_\_

(b) Proposed amount of new initial fund: RM \_\_\_\_\_

2. Reason for change or alteration of amount of initial fund of company:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PART E

CHANGE OR ALTERATION OF EQUITY PARTICIPATION OF COMPANY

1. Existing equity participation:

(a) Local equity: \_\_\_\_\_% RM \_\_\_\_\_

(i) bumiputera equity: \_\_\_\_\_% RM \_\_\_\_\_

(ii) non-bumiputera equity: \_\_\_\_\_% RM \_\_\_\_\_

(b) Foreign equity: \_\_\_\_\_% RM \_\_\_\_\_

## 2. Existing shareholder:

No.	*Full name/Company name and I.C. No./Passport No./Company Registration No.)	Citizenship (if applicable)	Race (if applicable)	Share	
				Value (RM)	Percentage (%)

Note: \*Delete whichever is not applicable

## 3. Proposed new equity participation:

- (a) Local equity: \_\_\_\_\_% RM \_\_\_\_\_
- (i) bumiputera equity: \_\_\_\_\_% RM \_\_\_\_\_
- (ii) non-bumiputera equity: \_\_\_\_\_% RM \_\_\_\_\_
- (b) Foreign equity: \_\_\_\_\_% RM \_\_\_\_\_

## 4. Proposed new shareholder:

No.	*Full name/Company name and I.C. No./Passport No./Company Registration No.)	Citizenship (if applicable)	Race (if applicable)	Share	
				Value (RM)	Percentage (%)

Note: \*Delete whichever is not applicable

5. Reason for change or alteration of equity participation of company:

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PART F

CHANGE OR ALTERATION OF COMPOSITION OF BOARD OF DIRECTORS OF COMPANY

1. Particulars of existing board of directors:

No.	Full name (*I.C. No./Passport No.)	Citizenship	Race	Profession	Designation	Percentage of equity, (if applicable)

*Note: \*Delete whichever is not applicable*

## 2. Particulars of proposed new board of directors:

No.	Full name (*I.C. No./Passport No.)	Citizenship	Race	Profession	Designation	Percentage of equity, (if applicable)

*Note: \*Delete whichever is not applicable*

## 3. Involvement or employment experience of the proposed new board of directors in any higher educational institution or in any company establishing a private higher educational institution:

No.	Full name	Name and address (*higher educational institution/company)	Period		Designation
			From	To	

*Note: \*Delete whichever is not applicable*

4. Reason for change or alteration of composition of board of directors of company:

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PART G

CHANGE OR ALTERATION OF MEMORANDUM AND ARTICLES OF  
ASSOCIATION OF COMPANY

1. Proposed particulars of change or alteration:

(a) Memorandum:

No.	Existing clause	Proposed new clause

(b) Articles of association:

No.	Existing clause	Proposed new clause

2. Reason for change or alteration of memorandum and articles of association company:

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PART H

DECLARATION

I, \_\_\_\_\_  
I.C. No./Passport No.: \_\_\_\_\_ Chairman of board of directors of  
\_\_\_\_\_ (name of company) do  
solemnly declare that—

(a) the statements contained in this application form and enclosed documents are true to the best of my knowledge and belief, and if such statement and documents are found to be false or misleading, the Registrar General has the right to take any necessary action as provided under the Act; and

(b) to the best of my knowledge, all the members of the board of directors of the company establishing the private higher educational institution were not directly concerned with the management or business of any private higher educational institution which has been closed down under Part XI of the Act.

Signed and declared by,

Official Stamp

\_\_\_\_\_  
*(Signature)*\_\_\_\_\_  
*(Date)*

## SECOND SCHEDULE

[Paragraph 2(2)(b)]

## FEES

<i>Matter</i>	<i>Fees (RM)</i>
Application for change or alteration in respect of—	
<i>(a)</i> name of company	50.00
<i>(b)</i> issued and paid-up capital of company	50.00
<i>(c)</i> amount of initial fund of company	50.00
<i>(d)</i> equity participation of company	50.00
<i>(e)</i> composition of board of directors of company	50.00
<i>(f)</i> memorandum and articles of association of company	200.00

Made 27 November 2017  
[KPT.U.(S)100-1-1/2/2 Jld. 7; PN(PU2)566/II]

DATO' SERI IDRIS BIN JUSOH  
*Minister of Higher Education*