

EXPLANATORY NOTES
- Information Required For Each Item On Application Form

Report 10
(Consequential Debt Of Resident Arising From Guarantee - Terms & Conditions)

COVER PAGE

Item	Description
1.	Submission by applicant seeking approval ❖ Please tick this item if the applicant submits his/her/its application himself/herself/itself
2.	Submission on behalf of the applicant (third party) ❖ Please tick this item if a third party submits the application on behalf of the applicant e.g. consultant company, bank, etc.

Checklist For Submission of Application:

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| 3. | Latest audited annual accounts and management accounts (If not submitted previously) ❖ The latest audited annual account should be submitted together with this application whenever requested in the form. However, if the latest annual report has been submitted previously, e.g. when the company has applied for other exchange control approval previously, then re-submission is not necessary. Please tick this item if applicant is submitting the audited annual account. |
| 4. | Latest Form 49 ❖ A photocopy of the latest Form 49 – Particulars of Director lodged with the Companies Commission of Malaysia (CCM) should be submitted together with this application. However, if the latest Form 49 has been submitted previously, e.g. when the company has applied for other exchange control approval previously, then re-submission is not necessary. Nevertheless, if there are changes to the particulars of directors in the previous submitted Form 49, applicant is required to submit the new Form 49. Please tick this item if applicant is submitting Form 49 together with this application. |

5. Latest Form 24

 - ❖ A photocopy of the latest Form 24 – Particulars of Shareholdings lodged with the CCM should be submitted together with this application. However, if the latest Form 24 has been submitted previously, e.g. when the company has applied for other exchange control approval previously, then re-submission is not necessary. Nevertheless, if there are changes to the particulars of shareholdings in the previous submitted Form 24, applicant is required to submit the new Form 24. Please tick this item if applicant is submitting Form 24 together with this application.

6. Supporting documents

 - ❖ Supporting documents should be submitted together with this application whenever requested in the form. Applicant is also encouraged to submit supporting documents to further support its application although it is not requested in the application form. Please tick this item if applicant is submitting supporting documents together with this application.

7. Query ID

 - ❖ Please state the Query ID number assigned by Bank Negara, if this application is submitted to Bank Negara Malaysia (BNM) arising from a query.

PARTICULARS OF APPLICANT

Item	Description
8. Name of applicant	❖ Name of applicant as registered with Companies Commission of Malaysia (CCM), National Registration Department (NRD) and Registrar of Societies (ROS). For non-resident, the name as registered with any official registration centre overseas.
9. Basic Group	❖ The category of applicant e.g. individual, company, association etc.
10. Resident status	❖ Residency status of applicant in Malaysia according to exchange control rules
a) Resident	❖ A citizen of Malaysia or a person who has obtained a permanent resident status in Malaysia and residing in Malaysia, or body corporate or incorporate which is registered or approved by any authority in Malaysia. Please refer to the definition of resident in ECM1 for details.
i) Resident Controlled Company (RCC)	❖ A resident company which is controlled directly or indirectly by residents. Please refer to the definition of RCC in ECM 8 for details.
ii) Non-resident Controlled Company (NRCC)	❖ A resident company which is controlled directly or indirectly by non-resident. Please refer to the definition of RCC in ECM 8 for details.
b) Non-resident	❖ A person who is not a resident, including Embassies, Consulates, High Commissions, supranational or international organisation. Please refer to the definition of non-resident in ECM1 for details.
11. Business Registration /NRIC no.	❖ Identification number as given by the CCM, NRD and ROS. For partnership, professional bodies, government agencies, associations, statutory bodies, co-operatives, societies, international organisation, foundation and businesses in Sabah and Sarawak, please use the number assigned by Bank Negara Malaysia (BNM) earlier, if any. Otherwise, please use the identification number assigned by the relevant approving authority.

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| 12. Passport no. | ❖ The number as shown in your passport for individuals or the number assigned by overseas registration centre for other than individuals. |
| 13. Nationality | ❖ The nationality as shown in your passport or the country where the non-resident applicant is located. |
| 14. Registered Address | ❖ The address as shown in the Memorandum of Association of the company |
| 15. Correspondence address | ❖ Address where the applicant can be contacted by post |
| 16. Contact person | ❖ The name of person for BNM officer to contact for any enquiry |
| 17. Designation | ❖ Designation of the above contact person |
| 18. Telephone no. | ❖ Telephone number (fixed line or mobile phone) where the contact person can be reached |
| 19. Fax no. | ❖ Current facsimile number to facilitate contact |
| 20. E-mail address | ❖ Valid and active e-mail address for any enquiries or notification |
| 21. Principal business activity | ❖ State main business activity of the applicant. A list of business activities is provided for applicant to choose. If the applicant is an individual, system will automatically chosen the principal business activity as “household” and applicant is required to complete his/her occupation |
| 22. Occupation/Business activity details | ❖ For individual applicant, please state your occupation. For other than individual applicant, this space could be completed to further describe its principal business activity. |
| Details of third party | ❖ Particulars of party, who is submitting application on behalf of applicant |
| 23. Name of company/
Individual | ❖ Name of the third party which applies on behalf of applicant. For resident, the name should be the same as that registered with CCM, NRD or ROS |
| 24. Correspondence address | ❖ Address where the third party can be contacted by post |

- 25. Contact person ❖ The name of person for BNM officer to contact for any enquiry
- 26. Designation ❖ Designation of the above contact person of third party
- 27. Telephone no. ❖ Telephone number (fixed line or mobile phone) where the contact person of third party can be reached
- 28. Fax no. ❖ Current facsimile number of the third party to facilitate contact
- 29. E-mail address ❖ Valid and active e-mail address of the third party for any enquiries or notification

DETAILS OF DEBT CONSEQUENTIAL DEBT OF RESIDENT ARISING FROM GUARANTEE - TERMS & CONDITIONS

Item	Description
1. Name of lender	❖ Full name of the party to whom has made payment under the guarantee and applicant is obliged to repay or reimburse
2. Country & town	❖ Country and town where the above party (lender) is located
3. Guarantee/Loan ID No.	❖ Please state the guarantee ID no. if Loan ID no. has yet to be assigned by BNM for the consequential debt. Otherwise please state the Loan ID no.
4. Type of facility	❖ Refers to the type of credit facility (consequential debt) it is publicly known e.g. term loan, inter-company loan, advances etc.
Main Terms of loan:	
5. Tenure of loan	❖ Refers to the period from the date of payment under the guarantee is made until full settlement is required to be made by the borrower
a) Fixed tenure	❖ Refers to consequential debt with fixed tenure e.g. 5 years
b) No fixed tenure	❖ Refers to consequential debt with no fixed tenure such as personal loan, inter-company loan, advances etc.
6. Category of credit facility	❖ Please indicate whether the credit facility is based on conventional financing or Islamic financing
7. Interest effective date	❖ The start date when the interest will be charged to the consequential loan
8. Interest type	❖ The type of interest to be charged. A list of types of interest is provided by system. Applicant should select either one of them i.e. fixed, floating, cost of funds or nil
9. Interest reference	❖ This item is only applicable if floating type of interest is selected for item 8 above. A list of interest reference is provided by system such as KLIBOR, LIBOR, SIBOR etc.

10. Interest reference tenure ❖ This item is also only applicable if floating type of interest is selected for item 8 above. A list of interest reference tenure is provided by system such as 1 week, 1 month, 3 months, 1 year etc.
11. Interest rate/spread ❖ Refers to the percentage of interest per annum for fixed interest rate e.g. 5% or percentage spread for floating interest rate e.g. KLIBOR + 2% or Cost of funds + 1.5%
12. Interest range ❖ Refers to a range of percentage of interest per annum for fixed interest rate e.g. 5% - 6%
13. Option/convertibility: ❖ Refers to the optional action may be undertaken by the borrower or lender:
- i) Convertible into equity ❖ The consequential debt may be settled by issuing the borrower's shares to lender at a pre-agreed exercise period or date
- ii) Exchangeable with another securities ❖ The consequential debt may be settled by transferring other securities to lender at a pre-agreed exercise period or date
- iii) Call option by issuer ❖ The lender may call for early redemption of a debt instrument at a pre-agreed exercise period or date
- iv) Put option by holder ❖ The borrower may request for early redemption of a debt instrument at a pre-agreed exercise period or date
- v) Prepayment allowed by lender ❖ The borrower of the consequential debt is allowed to prepay the outstanding balance earlier than the actual repayment date
14. Repayment schedule ❖ Refers to the schedule of repayment which borrower is obliged to adhere to
- a) Fixed schedule ❖ Refers to consequential debt with fixed schedule of repayment such as monthly, quarterly or bullet repayment. If the consequential debt has fixed repayment schedule, please complete Schedule B – Proposed Repayment Schedule For Offshore Loan
- b) No fixed schedule ❖ Refers to consequential debt with no fixed repayment schedule e.g. may be paid anytime during the tenure.
15. Others/Remarks ❖ Please state any other terms and conditions which is significant to the consequential debt

SCHEDULE B
(Proposed Repayment Schedule For Offshore Loan)

Item	Description
1. Type	❖ Refers to the following type of timing for the proposed repayment:
a) 1 st half	❖ Refers to the first 15 days of the month
b) 2 nd half	❖ Refers to the subsequent 15/16 days of the month
c) Exact date (if available)	❖ Refers to the exact repayment date if known by applicant
2. dd	❖ Refers to the day on which to effect the repayment. This item is only applicable if the exact date is known
3. mm	❖ Refers to the month in which to effect the repayment
4. yyyy	❖ Refers to the year in which to effect the repayment
5. Currency	❖ Refers to the currency of repayment. Please use the ISO currency code as provided in the ECM Notices to indicate the type of currency
6. Amount	❖ Refers to the foreign currency amount of the repayment
7. RM equivalent	❖ Refers to the ringgit equivalent of the amount of repayment