



EXPLANATORY NOTES
FORM C
(FINANCIAL GUARANTEE CALLED UPON)

COVER PAGE

Item	Description
1. Submission by applicant seeking registration	➤ 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

PARTICULARS OF REGISTRATION

Item	Description
1. 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
2. Basic Group	➤ The category of applicant e.g. individual, company, association etc

3. Resident status
 - Residency status of applicant in Malaysia according to Financial Services Act 2013 (FSA)
 - 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 FSA for details
 - i) Resident Controlled Company (RCC)
 - A resident company which is controlled directly or indirectly by residents
 - ii) Non-resident Controlled Company (NRCC)
 - A resident company which is controlled directly or indirectly by non-resident
 - 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 FSA for details
4. 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
5. Passport no.
 - The number as shown in your passport for individuals or the number assigned by overseas registration centre for other than individuals
6. Nationality
 - The nationality as shown in your passport or the country where the non-resident applicant is located
7. Registered Address
 - The address as shown in the Memorandum of Association of the company
8. Correspondence address
 - Address where the applicant can be contacted by post
9. Contact person
 - The name of person for BNM officer to contact for any enquiry
10. Designation
 - Designation of the above contact person

11. Telephone no.
 - Telephone number (fixed line or mobile phone) where the contact person can be reached
12. Fax no.
 - Current facsimile number to facilitate contact
13. E-mail address
 - Valid and active e-mail address for any enquiries or notification
14. 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
15. 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
16. 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
17. Address
 - Address where the third party can be contacted by post
18. Contact person
 - The name of person for BNM officer to contact for any enquiry
19. Designation
 - Designation of the above contact person of third party
20. Telephone no.
 - Telephone number (fixed line or mobile phone) where the contact person of third party can be reached
21. Fax no.
 - Current facsimile number of the third party to facilitate contact
22. E-mail address
 - Valid and active e-mail address of the third party for any enquiries or notification

Details of Called Upon Guarantee

Item	Description
1. Guarantee being called upon:	➤ Applicant is required to indicate which registered guarantee is called upon
<input type="checkbox"/> Guarantee to Non-Resident Please state ID No. LJ _____	➤ It refers to a guarantee issued by a resident to non-resident(s). Applicant is required to state the guarantee identification number granted by BNM
<input type="checkbox"/> Guarantee from Non-Resident Please state ID No. FJ _____	➤ It refers to a guarantee obtained by a resident from non-resident(s). Applicant is required to state the guarantee identification number granted by BNM
2. Reason(s) for the guarantee being called upon	➤ Reason for the guarantee being called by the lender e.g. borrower defaulted repayment of the guaranteed borrowing, borrower defaulted repayment of other borrowing of which the guaranteed facility had a cross default clause etc
3. Amount of guarantee being called upon	➤ Applicant is required to state the amount of guarantee being called upon. This amount may be less than the total amount guaranteed as it depends on the outstanding balance of the guaranteed borrowing. Please use the ISO currency code to indicate the type of currency of the guarantee being called upon
4. Consequential debt arising from the guarantee being called upon, if any	➤ Please state whether there will be a consequential debt vis-à-vis non-resident party
<input type="checkbox"/> Consequential debt due from non-resident	➤ It refers to an obligation for the resident party to repay or reimburse the non-resident guarantor or the non-resident party on whose behalf the guarantee is issued for the amount being called upon. Applicant is required to also submit Report 6 containing the terms and condition of the consequential debt together with this Form C or later within one month from the date of payment under the guarantee

- Consequential debt due to non-resident
 - It refers to an obligation for the non-resident party to repay or reimburse the resident guarantor or the resident party on whose behalf the guarantee is issued for the amount being called upon. Applicant is required to also submit Report 10 containing the terms and condition of the consequential debt together with this Form C or later within one month from the date of payment under the guarantee

- No consequential debt
 - There is no party obliged to reimburse for the amount of the guarantee being called upon by the lender. In this regard, no report to be submitted to BNM

Report 6
(Consequential Loan To Non-Resident Arising From Guarantee -
Terms and Conditions)

DETAILS OF LOAN

Item	Description
1. Name of borrower	➤ Full name of the non-resident party who is obliged to make repayment under the consequential loan
2. Country & town	➤ Country and town where the above party (borrower) is located or residing
3. Guarantee/Loan ID	➤ Please state the guarantee ID no. if Loan ID no. has yet to be assigned by BNM for the consequential loan. Otherwise please state the Loan ID no.
4. Category of credit facility	➤ Please indicate whether the consequential loan is based on conventional financing or Islamic financing
5. Interest effective date	➤ The start date when the interest will be charged to the consequential loan
6. 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
7. Interest reference	➤ This item is only applicable if floating type of interest is selected for item 6 above. A list of interest reference is provided by system such as KLIBOR, LIBOR, SIBOR etc
8. Interest reference tenure	➤ This item is also only applicable if floating type of interest is selected for item 6 above. A list of interest reference tenure is provided by system such as 1 week, 1 month, 3 months, 1 year etc
9. Interest rate/spread	➤ Refers to the percentage of interest per annum for fixed interest rate e.g. <u>5</u> % or percentage spread for floating interest rate e.g. KLIBOR + <u>2</u> % or Cost of funds + <u>1.5</u> %
10. Interest range	➤ Refers to a range of percentage of interest per annum for fixed interest rate e.g. 5% - 6%

- 11. Tenure of borrowing
 - 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 loan with fixed tenure e.g. 5 years
 - b) No fixed tenure
 - Refers to consequential loan with no fixed tenure such as personal loan, inter-company loan, advances etc
- 12. Repayment schedule
 - Refers to the schedule of repayment which borrower is obliged to adhere to
 - a) Fixed schedule
 - Refers to consequential loan with fixed schedule of repayment such as monthly, quarterly or bullet repayment. If the consequential loan has fixed repayment schedule, please complete the repayment schedule table
 - b) No fixed schedule
 - Refers to consequential loan with no fixed repayment schedule e.g. may be paid anytime during the tenure

Report 10
(Consequential Debt of Resident Arising From Guarantee -
Terms and Conditions)

DETAILS OF DEBT

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 facility (consequential debt) it is publicly known e.g. term loan, inter-company loan, advances etc

Main Terms of borrowing:

5. Tenure	➤ 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 borrowing	➤ Please indicate whether the borrowing 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 Borrowing
 - 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 Borrowing)

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