



Tel : 04-2615669
Fax/Tel: 04-2628664
E-mail : secretariat@penangbar.org
Website: www.penangbar.org

No. 4, Green Hall,
1st Floor,
10200 Penang,
Malaysia.

JAWATANKUASA PEGUAM PULAU PINANG PENANG BAR COMMITTEE

CPC 5/19

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Issues from Meeting with Department of Insolvency, Penang

Members of the Conveyancing Practice Subcommittee held a meeting with the Official Assignee (OA) and Officers of the Department of Insolvency, Penang on 4 Apr 2019.

A summary of the issues discussed at the said meeting is produced below for members' information and attention:

Time Frame by OA for confirmation/consent and return of the duly executed transfer in Form 14A

Effective Dec 2018, the OA's Office is no longer required to send the Transfer in Form 14A to KL for execution as the Pengarah in Penang is authorised to sign the forms. If everything is in order, they will issue a letter informing the lawyers that the transaction is being processed and we will receive the duly executed Transfer in Form 14A within 30 working days from the date of the said letter.

We enquired how long it takes for issuance of the letter upon submission of our documents, and we were told that the time frame for that is also 30 working days.

Therefore, in summary, if all documents are in order we can expect to receive the duly signed Transfer in Form 14A or any further confirmation and reply within 60 working days.

However, the OA's Office reminded members to comply with the requirements of their checklist for the execution of Transfer in Form 14A or checklist for confirmation/consent from OA for sub-sale cases. Both these checklists are enclosed for members' information and attention.

The Pengarah further advised members to check the Consideration/Balasan column for Transfer in Form 14A where the parties and chronology/sequence must be correctly stated. Upon our request for a sample of the Transfer in Form 14A, the OA's Office has duly obliged and provided it, and we enclose it here for members' information and attention.

We also requested the OA's Office to notify the Penang Bar Secretariat if there are any future amendments to the checklists or changes to their contact information or notification of system breakdowns so members can be notified accordingly.

The OA's Office also said lawyers can request for follow-up or updates from them via e-mail or letters but they are unable to provide a time frame for their response.

Listing of Developers that have been wound-up and under administration

Although we requested for the said listing, the Pengarah informed us that they are unable to provide it due to privacy issues and compliance with the Personal Data Protection Act.

Zemilah Mohd Noor
Chairperson
Conveyancing Practice Subcommittee