



BAFIA 1989: FROM THE LENDING PERSPECTIVE – COMPLIANCE & PENALTIES

Monday - Tuesday

19 – 20 July 2010

Kuala Lumpur

14 CPE
credit hours
for CRP
holders

This programme also benefits those preparing for IBBM's
CCP (Consumer) and CCP (Business) examinations

INSTITUT BANK-BANK MALAYSIA

Upon completion of the programme, participants will be able to:

- understand the legal and practical application of BAFIA
- identify the applicable provisions relating to the credit and the lending function and the consequences of any non-compliance

- **Introduction to BAFIA**
 - The effect of non-compliance on the validity and enforceability of the loans and securities taken under Section 125
 - The non-application of BAFIA for Islamic banks under Section 124
- **The Granting of Unsecured Loans under Section 60**
 - The importance of the nature and the value of the securities taken in relation to the amount of the facilities granted
 - Application of Section 60 when the loan has not turned bad
 - Application of Section 60 to problems of excesses faced by commercial banks. Whether the amount of excess can be considered to be secured as envisaged by Section 60 of BAFIA
 - Reconciling Section 60 with the Banks' internal manual requirements
- **Restrictions on Credit Facilities to a Single Customer under Section 61**
 - Meaning of a "Single Customer" under BAFIA
 - Application of GP 5
- **Restrictions on Credit Facilities to an Officer and Director under Section 62**
 - Meaning of an "officer" under BAFIA and the recent amendments (GP-6 repealed)
 - Position of housing loans and other exceptions provided under the recent amendments in 2008
 - Effect of additional prohibitions imposed by financial institutions under their internal manuals. Whether BAFIA or these internal manual requirements would prevail in the event of any inconsistencies
- **Control of Credit Limits by Bank Negara Malaysia and its Power to Issue Guidelines**
 - Effect of guidelines issued by BNM to regulate and restrict credit facilities.
 - Application and effect of those guidelines relating to the taking of guarantees, and the exceptions thereto. Practical problems on the application of these guidelines.
- **The Role and Duties of Auditors under BAFIA**
- **Duties of Secrecy and the Exceptions**
- **Prohibition against the Receipt of Gifts from Customers:**
 - To what extent this is different from the taking or acceptance of bribes
 - Whether there is an allowable maximum monetary value of the gifts received
 - Effect of gifts and hampers given during certain festive occasions
- **The Full Extent of Bank Negara's Powers of Supervision, Investigation, Search, Seizure and Prosecution for Offences and Non-Compliance**
- **Power of Bank Negara to Issue Directives, Regulations and Guidelines**
 - GP-3: Classification of non-performing loans
- **Validity of the Loans and Securities in the Event of a Contravention of BAFIA**
- **Offences Relating to Entries in Books and Documents**
- **Code of Ethics under GP-7**

Lectures and case laws to enhance overall learning.

Credit personnel or other officers who wish to acquire in depth knowledge of the provisions of BAFIA.

Those preparing for IBBM's CCP (Consumer) and CCP (Business) examinations will also benefit from this programme.

Mr Tang Kean Onn is a practising advocate and solicitor of the High Court of Malaya and a senior member of the Malaysian Bar. He holds a degree in the Bachelor of Laws (LL.B Hons.) and Master of Laws (LL.M), both from the University of Malaya. He has vast experience in commercial and banking litigation as well as conveyancing and documentation procedures over the last 23 years.

Mr Tang has conducted numerous courses and seminars relating to legal issues on banking for the Institute of Bankers Malaysia (IBBM), and various banks and financial institutions throughout Malaysia for more than 20 years. He is also currently the lead consultant / trainer for Asia Pacific Diligence and Asia Business Connections for their professional programmes relating to law.

Mr Tang is an Associate Fellow member of IBBM (FIBM). He was also a part-time senior lecturer and examiner at the University of Malaya in both the Faculties of Law, Business Administration and Accounting. He has lectured both undergraduate and post-graduate programmes for more than 20 years.

Date	Monday – Tuesday, 19 – 20 July 2010
Time	9.00 a.m. – 5.00 p.m.
Venue	Institut Bank-Bank Malaysia Wisma IBI, 5 Jalan Semantan Damansara Heights 50490 Kuala Lumpur
Attire	Office wear
Fee	STF Member : RM500 IBBM Member : RM900 Non-Member : RM1,300

The above fee includes programme materials, meals and refreshments.
Payment of fee must be made BEFORE commencement of the programme.

This programme qualifies for double tax deduction.

Closing date	Monday, 5 July 2010
Enquiries	Kindly contact Nizam/ Wani at 03-2095 8922 (ext. 144/ 174).
Nominations	Participation is limited to 20 on a first-come-first-served basis. IBBM reserves the right to decline any nominations, without the obligation of providing any reason. Confirmation of participation is by way of official notification from the Institute.
Kindly address nomination form(s) to	The Executive (Learning Solution 3) Institut Bank-Bank Malaysia Wisma IBI, 5 Jalan Semantan Damansara Heights 50490 Kuala Lumpur Fax : 03-2095 7822 Email : lead@ibbm.org.my
Commitment to programme	The intensive nature of IBBM programmes requires the participants' full undivided attention and attendance at all sessions. Participants should be free of their professional obligations for the duration of the programme.

Notice of withdrawal:

Unless written notice of withdrawal is received before the closing date of the programme, the full fee is still due in the event of non-attendance. The Institute accepts replacement(s), which must be in writing, prior to the programme's commencement date. However, no substitution of participant(s) will be allowed for the duration of the programme. The Institute reserves the right to make changes to the schedules, venue or cancel the event altogether.

**REGISTRATION FORM**

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Name & Signature of Nominating Officer (Please stamp)

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Name & Address of Nominating Organisation (Please stamp)

FEE

Please make bank draft/cheque payable to **INSTITUT BANK-BANK MALAYSIA**. Please include additional RM0.50/0.03% of the amount, whichever is higher, for outstation draft/cheque. Payment of fees must be made BEFORE commencement of the programme.

Bank Draft/Cheque No
RM

Please register the following participant(s) for the above programme.

PARTICIPANT 1												
Name												
New NRIC No. (Mandatory)										-		
Individual Membership No. (if any)												
Designation and Department												
Email												
Telephone												
Fax												
PARTICIPANT 2												
Name												
New NRIC No. (Mandatory)										-		
Individual Membership No. (if any)												
Designation and Department												
Email												
Telephone												
Fax												

CONTACT PERSON	
Name	
Name of Organisation	
Address of Organisation	
Email	
Telephone	
Fax	

Please photocopy for additional participants.

Please complete and return this form to the Institute before 5 July 2010