

QUESTION 2

You are the company secretary to the Board of Directors of Bumi Cipta Berhad (the "Board"), a company incorporated under the Companies Act 2016 [Act 777]. The Board of Directors consists of five members, each with specific roles and responsibilities.

Recently, there have been several controversial actions taken by the directors, raising concerns about their compliance with the duties imposed by the Companies Act 2016 [Act 777]. Analyse the following scenarios and provide a legal analysis of the directors' duties, any prohibited dealings and the legal consequences that may ensue:

(a) Director A, upon discovering a lucrative business opportunity in the technology sector, formed a separate company to pursue the opportunity without offering it to Bumi Cipta Berhad first. The new venture became highly successful, causing Bumi Cipta Berhad to miss out on significant potential profits.

(b) Director B arranged a transaction between Bumi Cipta Berhad and a company owned by his brother, for the acquisition of shares and property of Bumi Cipta Berhad amounting to RM400,000 by the latter company. Director B did not disclose to the related party the nature of these transactions to the Board.

Your answer should include relevant legal provisions under the Companies Act 2016 [Act 777] and case law.

(20 marks)

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CS N.S. Zad



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