

LATEST ISSUES IN LEGAL DOCUMENTATION FOR ISLAMIC FINANCE



23rd - 24th January 2018, KUALA LUMPUR

SIDC CPE - accredited: 10 CPE Points

REDmoney Seminars present a two-day program to provide a comprehensive understanding and update on Shariah compliant legal documentation for various forms of Islamic financial transactions. The programme will analyse the process of structuring legal documentation for major Islamic financial transactions, including latest updates on Murabahah, Tawarruq, Ijarah as well as equity-based products such as Musharakah. We shall cover various Bank Negara Malaysia Policy Documents in detail. We also examine Sukuk risk and how awareness of key legal and documentation issues in Sukuk structuring can help mitigate and manage the special risks associated with Sukuk issuance. This workshop is meant to interactive focusing on case studies and practical examples from actual transactions executed in the industry.

KEY LEARNING OUTCOMES

- Understanding latest Shariah Issues in Legal documentation for Islamic Products
- Managing Risk through Effective Legal Documentation
- Examining Latest Legal and Documentation Issues for Murabahah and Ijarah, including Bank Negara Malaysia's Policy Documents
- Examining Latest Legal and Documentation Issues for Tawarruq, Waad and Wakalah, including Bank Negara Malaysia's Policy Documents
- Structuring Latest Legal Documentation Issues for Equity Financing Products, including Bank Negara Malaysia's Policy Documents
- Analysing Sukuk risk and Key Legal and Documentation issues in Sukuk Structuring

AGENDA

Day 1

Shariah aspects of Legal documentation

- Islamic law of contract – essential elements
- Shariah rules regarding conditions to the contract
- Essential Shariah rules for sale – the base of all contracts
- Difference between different Shariah contracts
- Difference between conventional legal documentation and Islamic legal documentation
- Discussion on Aqad and collateral

Legal documentation for Murabahah

- Structure of Murabahah documentation
- Bank Negara Malaysia's Policy Document regarding Murabahah Legal Documentation
- Practice of Islamic banks – examples from the industry
- The structure and nature of the Ibra' Tawidh and Gharammah clauses
- The structure, nature and enforcement of security documents

Legal documentation for Tawarruq

- Introduction to Tawarruq practise
- Bank Negara Malaysia's Policy Document regarding Tawarruq Legal Documentation
- Bank Negara Malaysia's Policy Document regarding Waad Legal Documentation
- Bank Negara Malaysia's Policy Document regarding Wakalah Legal Documentation
- Case study – Execution process of Tawarruq legal documentation (Practical example from actual transactions executed in the industry)

Day 2

Legal documentation for Ijarah

- Bank Negara Malaysia's Policy Document regarding Ijarah Legal Documentation
- Various types of Ijarah transactions and the risks involved
- Structuring Ijarah documentation – issues, mitigating risks and adhering to Shariah principles
 - o Plain vanilla Ijarah
 - o Master Ijarah structure
 - o Ijarah - sale and lease back
 - o Ijarah - hire purchase/financial lease
- Practice of Islamic banks – examples from the industry
- The structure, nature and enforcement of security documents
- Nature and applicability of purchase undertaking (Waad)

Legal documentation for Equity Financing Products and Diminishing Musharakah

- Bank Negara Malaysia's Policy Document regarding Legal Documentation for Equity Products
- Documentation and issues for equity financing products
- Documentation and issues for Diminishing Musharakah
- Comparison of Diminishing Musharakah vs. sale contracts
- Various forms of Diminishing Musharakah transactions and documentation

Understanding Legal documentation for Sukuk Issues

- Understanding the legal and regulatory framework for Sukuk
- Types of Sukuk structures and legal documentation
- Shariah requirements relating to types of Sukuk structures
- Legal and Shariah issues arising from Sukuk structures and documentation
- Managing and mitigating Sukuk risk: understanding the key legal issues

Guest Speaker: Azlin Ahmad — *Senior Associate, Herbert Smith Freehills LLP*

Close of Program

Who Will Benefit?

- Islamic retail, commercial, corporate and investment bankers
- In-house counsel and compliance professionals from banks and corporates
- Consultants and advisors
- Regulators and banking supervisors

SPEAKERS



Mohd Johan Lee
Managing Partner
J. Lee & Associates

Johan is the managing partner of J. Lee & Associates, a legal firm in Malaysia. He graduated with LLB (Hons) degree from International Islamic University Malaysia. He also holds a Master of Comparative Laws degree, a post-graduate Diploma in Shariah and Legal Practice both of which from International Islamic University Malaysia and, an MA in Economics for Competition Law from King's Collage London. He is currently a qualified member of the Chartered Institute of Arbitrators, UK as well as a mediator of the Malaysian Bar. He is an advocate and solicitor of the High Court of Malaya. Proficient in English, Malay language, Mandarin, he is also the first Chinese origin Shariah practitioner ever admitted by the Shariah court. His current practice includes corporate and commercial law, competition law, compliance and Islamic corporate finance related matters. He is instrumental in developing Islamic banking, Takaful and Islamic corporate finance documents and exercises for several financial institutions as well as corporate and governmental entities in Malaysia. Johan lectured in the law faculty of International Islamic University Malaysia since 1999 for both undergraduate and postgraduate law programmes. He has taught for a special exclusive diploma programme in Islamic Banking, jointly offered by IIUM and the Bar Council. He also lectures occasionally in various other local universities, Bank Negara Malaysia (BNM), as well as Institute Latihan Kehakiman (ILKAP) and Jabatan Kehakiman Syariah Malaysia (JKSM) for both civil courts and Shariah courts judges concerning Islamic banking. In 2006, he was a visiting scholar to the Asian Law Centre of the University of Washington. He is currently a Shariah consultant to governmental agencies as well as government-funded banks. He is the author of the book 'Legal Documentation for Islamic Banking' published by the IBFIM, and co-author of an upcoming book 'Islamic Financial Services Act 2013: Commentaries' to be published and launched by the Current Law Journal. Johan is now a member of the Shariah Advisory Council (SAC) of the Association of Islamic Banks Malaysia (AIBIM) and is a consultant to new law practices in Malaysia, Brunei, Singapore, Indonesia and the UK.



Azlin Ahmad
Senior Associate
Herbert Smith Freehills LLP

With experience in Asia and the Middle East, Azlin works with banks, corporates and regulators on Islamic and conventional finance matters. Her clients have included Asia, Middle Eastern and international financial institutions and companies. Azlin has also worked with financial regulators in Asia and the Middle East on the approval and regulation of Islamic finance products, and advised financial institutions on the establishment of Islamic banking businesses, assisting with regulatory approval and documentation. In addition to Islamic financing, Sukuk, Murabahah and securities, she advises on conventional finance, including syndicated lending, debt issues, project and asset finance, and restructuring.

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23rd - 24th January 2018, Kuala Lumpur**Associate Partner:****RM 17,500**

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REDmoney Group covers the full range of global markets: from emerging Islamic economies across Africa and Asia to industry leaders such as Malaysia and the GCC along with developed nations in Europe and the Americas seeking to enter the sector. The company offers unequalled access to the elite of the industry: with relationships built up over a decade of trusted communication with market leaders to provide a detailed network covering every aspect of Islamic financial services.

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BOOKING DETAILS

I am booking:	Price per Delegate	Total Price	Early Bird (10% Discount)
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Available Discounts

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Discount for Active Subscribers of Islamic Finance news: If you are a current IFN subscriber, you shall receive a flat 10% discount. Please tick here

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DELEGATE DETAILS

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