



## COMPANIES HOUSE

### Important Notice

01<sup>st</sup> April 2016

#### **Reinstatement of Companies under the Companies Act 2014**

Following a recent judgment in the Supreme Court before the Honourable Mr. Justice Jack on the 23<sup>rd</sup> March 2016 in Claim No: 2015-COMP-23 in the matter of Tasmania Investments Ltd, Companies House Gibraltar is currently unable to reinstate companies which have been struck off under the (now repealed) Companies Act 1930 to the register of companies until further notice.

The case concerned a company that had been struck off pursuant to section 267A (failure to file Annual Returns) of the Companies Act 1930 (“the 1930 Act”) that had applied to be reinstated pursuant to section 415 of the Companies Act 2014 (“the 2014 Act”).

Mr. Justice Jack ruled that restorations under the 2014 Act could only be carried out when the company had been struck off under sections 411, 412 or 413 of the 2014 Act, and not when the company had been struck off under any of the relevant sections of the 1930 Act. It was held that this is due to section 414 of the 2014 Act making explicit reference only to sections 411, 412 and 413 of the 2014 Act with no reference therein made to any of the relevant sections of the 1930 Act. Furthermore it was also held that there were no transitional provisions in the 2014 Act that would expressly allow for a company to be reinstated under sections 414 or 415 of the 2014 Act where the company had been struck off under the 1930 Act. As such the above stated application was dismissed.

In light of this ruling Companies House Gibraltar has ceased to proceed with any company reinstatements where the company was struck off under the 1930 Act and will only proceed with company reinstatements where the company was struck off under the 2014 Act, until further notice.