



STATUTORY INSTRUMENTS.

S.I. No. 676 of 2021



COMPANIES ACT 2014 (SECTION 897) ORDER 2021

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I, ROBERT TROY, Minister of State at the Department of Enterprise, Trade and Employment, in exercise of the powers conferred on me by sections 12(1) and 897(1) of the Companies Act 2014 (No. 38 of 2014) (as adapted by the Business, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 519 of 2020) and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No. 2) Order 2020 (S.I. No. 580 of 2020)), hereby order as follows:

1. (1) This Order may be cited as the Companies Act 2014 (Section 897) Order 2021.

(2) This Order (other than Article 4) shall come into operation on 8 December 2021.

(3) Article 4 of this Order shall come into operation on 1 March 2022.

2. In this Order —

“Act of 2014” means the Companies Act 2014 (No. 38 of 2014);

“Act of 2000” means the Electronic Commerce Act 2000 (No. 27 of 2000);

“Regulations of 2015” means the Companies Act (Prescribed Form) Regulations 2015 (S.I. No. 147 of 2015);

“Rules of the Superior Courts” means the Rules of the Superior Courts (S.I. No. 15 of 1986).

3. (1) The sole means to be used to deliver the following documents to the Registrar shall be those provided for under the Act of 2000 effected in a manner which complies with any requirements of the Registrar of the kind referred to in sections 12(2)(b) and 13(2)(a) of that Act:

- (a) a notice (SCARP1) which is prescribed under Regulation 4 of the Companies Act (Prescribed Form and Notice) Regulations 2021 (S.I. No. 675 of 2021) for the purposes of section 558J(2)(a) of the Act of 2014,
- (b) a notice of approval of a rescue plan for the purposes of section 558Z(5) of the Act of 2014,
- (c) a certified copy of any order made by the relevant court under section 558ZD or 558ZZ for the purposes of section 558ZE(4) of the Act of 2014,
- (d) a certified copy of the order made by the relevant court under section 558ZL(2) for the purposes of section 558ZL(3)(a) of the Act of 2014,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 10th December, 2021.*

- (e) a certified copy of any order made by the relevant court under subsections (1) and (2) of section 558ZV for the purposes of section 558ZV(6) of the Act of 2014,
- (f) a notice of resignation of a process advisor for the purposes of section 558ZW(4)(a) of the Act of 2014, and
- (g) a notice of appointment of a process advisor for the purposes of section 558ZX(2)(a)(i) of the Act of 2014.

4. (1) The sole means to be used to deliver the following documents to the Registrar shall be those provided for under the Act of 2000 effected in a manner which complies with any requirements of the Registrar of the kind referred to in sections 12(2)(b) and 13(2)(a) of that Act:

- (a) a resolution or agreement for the purposes of section 198(1) of the Act of 2014,
- (b) Form C6 which is prescribed under Regulation 35 of the Regulations of 2015 for the purposes of section 416(4) of the Act of 2014,
- (c) Form C7 which is prescribed under Regulation 36 of the Regulations of 2015 for the purposes of section 416(4) of the Act of 2014,
- (d) Form E9 which is prescribed under Regulation 37 of the Regulations of 2015 for the purposes of section 430(3) and 441(2)(b) of the Act of 2014,
- (e) Form E8 which is prescribed under Regulation 38 of the Regulations of 2015 for the purposes of section 436(1) of the Act of 2014,
- (f) Form E11 which is prescribed under Regulation 39 of the Regulations of 2015 for the purposes of section 436(2) of the Act of 2014,
- (g) a notice of appointment of a liquidator for the purposes of section 592(1) of the Act of 2014,
- (h) a notice of resignation of a liquidator for the purposes of section 641(2) of the Act of 2014,
- (i) Form No. 51 which is prescribed under Rule 87(2) of Order 74 of the Rules of the Superior Courts for the purposes of section 643(3) of the Act of 2014,
- (j) Form No. 52 which is prescribed under Rule 87(3) of Order 74 of the Rules of the Superior Courts for the purposes of section 643(5) of the Act of 2014,
- (k) an account of the liquidator's acts and dealings for the purposes of subsections (3) and (6) of section 680 of the Act of 2014,
- (l) Form No. 39 and Form No. 40 which are prescribed under Rule 77 of Order 74 of the Rules of the Superior Courts for

the purposes of section 681(2) of the Act of 2014,

- (m) a liquidator's final statement of account for the purposes of sections 705(4)(a) and 706(4)(a) of the Act of 2014,
- (n) a liquidator's return of the holding of the final meeting for the purposes of subsections (4)(b) and (6) of section 705 of the Act of 2014,
- (o) a liquidator's return of the holding of the final meeting for the purposes of subsections (4)(b) and (6) of section 706 of the Act of 2014,
- (p) Form H15 which is prescribed under Regulation 43 of the Regulations of 2015 for the purposes of section 731(1)(d) of the Act of 2014, and
- (q) Form H1 which is prescribed under Regulation 46 of the Regulations of 2015 for the purposes of section 737(1)(b) of the Act of 2014.

GIVEN under my hand,
8 December 2021

ROBERT TROY,
Minister of State at the Department of Enterprise, Trade and
Employment.

EXPLANATORY NOTE

(This Note is not part of the Instrument and does not purport to be a legal interpretation)

The purpose of this Order is to provide that the sole means to deliver the documents for the purposes of the Companies Act 2014 listed in Article 3 and Article 4 of this Order to the Registrar of Companies is by the means provided for under the Electronic Commerce Act 2000, effected in a manner which complies with any requirements of the Registrar of the kind referred to in sections 12(2)(b) and 13(2)(a) of that Act.

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