



GOVERNMENT OF BERMUDA

Ministry of Finance

Registrar of Companies

INDUSTRY NOTICE

13 July 2018

To: Corporate Service Providers and Companies Registered with the Bermuda Registrar of Companies

The Registrar is providing this guidance to industry pursuant to section 261A(1) of the Companies Act 1981.

In order to ensure that the Registrar has the information required to timely and accurately consider and process such notifications on behalf of Bermuda companies, the Registrar advises Corporate Service Providers and companies that any such notification provide all of the following information:

1. Confirmation that the company has ceased trading activities; Confirmation that all interested parties including, but not limited to, all creditors and all shareholders of the company have been advised of the strike off request;
2. Confirmation that the company has no outstanding fees, penalties, taxes, fines or other financial obligations due and owing to Government or to Government Authorities; or a statement that the company is not registered and not required to be registered with any such Government Authorities or departments;
3. Confirmation that all bank accounts of the company have been closed and that all outstanding mortgage charges are satisfied;
4. Confirmation that the company has no assets and no liabilities at the time of the strike off request;
5. Confirmation that the company is not involved in any court proceedings in any jurisdiction;
6. Confirmation that the officers of the company (e.g. directors and company secretary) do not have any outstanding company-related summons against any of them and are not involved in any company related court proceedings in any jurisdiction;
7. Confirmation that the current list of directors and officers is that which is on file with the Registrar at the time the strike off request is made; and
8. An update of the company's registered office address in Bermuda (if necessary) and/or the location of the company's records after the company has been struck off the register.

These requested confirmations along with the Registrar's own due diligence will work to ensure that companies are not struck off whilst having outstanding obligations or whilst being a party to judicial proceedings referenced herein.

The requested confirmations must be signed and dated by all or a majority of the directors of the company on behalf of the company, and must include the typed name(s) of the director(s) who have signed the confirmations.

For purposes of determining whether annual fees are due and owing to the Registrar of Companies, strike off applications made under section 261A that are dated and submitted to the Registrar on or prior to the due date of the next annual fee are not considered "due and owing". Strike off applications dated or submitted after the due date of the company's annual fee are considered "due and owing" and the company may not be struck off until such fees and any penalties are paid in full.

All correspondence will be sent to the mailing address of the initial applicant and, as a matter of expediency, please provide an email address to which correspondence may be sent.



Tarita M. Cartwright
Acting Registrar of Companies