

Supplemental provisions in relation to section 1413

1414. (1) Unless the court orders otherwise, when one or more than one application is made under section 1413 (5), a resolution specified in paragraph (c) of the definition of “transfer documents” in section 1412

(1) in relation to a company shall not take effect until—

(a) where the application or all the applications to the court are withdrawn—

(i) the day on which the resolution is passed;

(ii) the day next following the day on which the last outstanding application is withdrawn; or

(iii) the 31st day following the publication of the notice under section 1413 (7);

whichever is the latest; and

(b) where all applications to the court are not withdrawn—

(i) the day on which the resolution is passed;

(ii) the day specified in the order or, if no date is specified in the order, the day next following the day on which the period for which the order is specified to remain in force expires or otherwise ceases to be in force; or

(iii) the day next following the decision of the court;

whichever is the latest.

(2) When the applicant is registered as a company under the laws of the relevant jurisdiction, it shall give notice, in the prescribed form, to the Registrar of that fact within 3 days after the date of its becoming so registered, including its new name, if any, and, as soon as practicable after receiving that notice, the Registrar shall issue a certificate of de-registration of the applicant.

(3) The Registrar shall enter in the register of companies the date of the de-registration of the applicant and shall, within 7 days after the date of issue of the certificate under subsection (2), publish in the CRO Gazette notice of the following matters:

(a) the date of the de-registration of the applicant under this section;

(b) the relevant jurisdiction; and

(c) the new name of the applicant if different from the name under which it was registered.

(4) From the date of registration of the applicant in the relevant jurisdiction, it shall cease to be a company for all purposes of this Act and shall continue for all purposes as a body corporate under the laws of the relevant jurisdiction, but this section does not operate—

(a) to create a new legal entity;

(b) to prejudice or affect the identity or continuity of the applicant as previously constituted under the laws of the State for the period that the applicant was so constituted;

(c) to affect any contract made, resolution passed or any other act or thing done in relation to the applicant during the period that the applicant was constituted under the laws of the State;

(d) to affect the rights, authorities, functions and liabilities or obligations of the applicant or any other person; or

(e) to render defective any legal proceedings by or against the applicant.

(5) Without prejudice to the generality of subsection (4), any legal proceedings that could have been continued or commenced by or against the applicant before its de-registration under this section may, notwithstanding the de-registration, be continued or commenced by or against the applicant after registration.