

CHAPTER 14 Strike off and restoration

Power of Registrar to strike PLC off register

1124. (1) In addition to the cases mentioned in section 725, a PLC may be struck off the register in the circumstances and under the conditions specified in the following provisions.

(2) Where a PLC, registered as such on its original incorporation, has not been issued with a certificate under section 1010 within one year after the date on which it was registered, the Registrar may employ the following procedure.

(3) That procedure consists of there being sent by the Registrar, by registered post, the notice referred to in subsection (5) to the PLC at its registered office.

(4) The Registrar shall also send a copy of the foregoing notice by prepaid ordinary post to such persons, if any, as are recorded in the office of the Registrar as being current directors of the PLC but non-compliance with this subsection does not affect the validity of a notice that otherwise complies with subsection (3); the address to which a notice under this subsection is sent shall be the usual residential address, as recorded in the office of the Registrar, of the addressee concerned.

(5) The Registrar's notice referred to in subsections (3) and (4) shall—

(a) state that the issue of the notice is the first step in a process that may lead to the PLC being struck off the register;

(b) state the ground for striking off being invoked by the Registrar, namely, that the PLC has not been issued with a certificate under section 1010 within one year after the date on which it was registered;

(c) state that the PLC will be dissolved if it is struck off the register;

(d) specify the remedial step, namely the procuring by the PLC of the issue to it of a certificate under section 1010;

(e) specify the date on or before which that certificate must be issued to the PLC; and

(f) state that failure to have that certificate issued to it on or before the date so specified may result in the Registrar giving public notice of an intention to strike the PLC off the register.

(6) The date to be specified for the purposes of subsection (5)(e) shall be a date falling not less than 28 days after the date of the notice.

(7) If the Registrar has given a notice under subsection (3) and the remedial step referred to in subsection (5)(d) has not been taken on or before the date specified in that notice for the purposes of

subsection (5)(e), the Registrar may, by publishing a notice in the CRO Gazette that complies with subsection (8), give public notice of the Registrar's intention to strike the PLC off the register.

(8) The notice referred to in subsection (7) shall—

(a) specify the ground for striking the PLC off the register, namely, that the PLC has not been issued with a certificate under section 1010 within one year after the date on which it was registered;

(b) specify the remedial step, namely the procuring by the PLC of the issue to it of a certificate under section 1010;

(c) specify the date on or before which that remedial step must be taken; and

(d) state that unless that remedial step is taken on or before the date so specified the Registrar may strike the PLC off the register and, if the Registrar does so, the PLC will be dissolved.

(9) The date to be specified for the purposes of subsection (8)(c) shall be a date falling not less than 28 days after the date of publication of the notice.

(10) If the Registrar has given a notice referred to in subsection (8) and the remedial step referred to in paragraph (b) of that subsection has not been taken on or before the date specified in that notice for the purposes of paragraph (c) of that subsection, the Registrar may strike the PLC off the register.

(11) section 733 (3) and (4), section 734 and sections 738 to 743 shall apply to a PLC which has been struck off the register in accordance with subsection (10) as those provisions apply to a company struck off the register in accordance with section 733 (1).