

- (a) repealing the word “or” at the end of paragraph (d)(ii);
- (b) inserting the word “or” at the end of paragraph (e); and
- (c) inserting after paragraph (e) the following—
“(f) if petitioned by the Registrar pursuant to section 523B(b).”.

9. Amendment of section 379

The principal Act is amended in section 379 by—

- (a) repealing the word “or” at the end of paragraph (c);
- (b) inserting the word “or” at the end of paragraph (d); and
- (c) inserting after paragraph (d) the following—
“(e) the Registrar pursuant to section 523B(b).”.

Passed by the House of Representatives on
the 21st day of September, 2009.

Passed by the Senate on the 23rd day
of September, 2009.

D. Gisele Isaac-Arrindell,
Speaker.

Hazlyn M. Francis,
President.

T. Thomas,
Clerk to the House of Representatives.

T. Thomas,
Clerk to the Senate.



THE COMPANIES (AMENDMENT) ACT, 2009

No. 9 of 2009

*[Published in the Official Gazette Vol. XXIX No. 80
dated 10th December, 2009.]*

Printed at the Government Printing Office, Antigua and Barbuda,
by Paget Terry, Acting Government Printer
— By Authority, 2009.

“(m) an order requiring the report of the inspector to be published or forwarded to any other interested person the Court considers necessary.”;and

(d) in subsection (2) by inserting after the words “send to the” the words “Attorney General and the” and after the word “Division” by inserting the words “unless otherwise ordered by the Court”.

7. Insertion of sections 523A, 523B, 523C and 523D

The principal Act is amended by inserting the following after section 523—

“523A. Report

Notwithstanding section 523, the inspector shall forward a copy of the final report to the registered office of the company that was investigated.

523B. Proceedings on inspector’s report

If the Registrar is satisfied, upon receipt of a report made by an inspector that—

(a) in relation to a company investigated, a criminal offence may have been or has been committed, the Registrar shall refer the matter to the Director of Public Prosecutions for further investigation and prosecution as he thinks fit; or

(b) it is, in the circumstances, expedient to do so, the Registrar may, petition the Court for an order that the company be wound up.

523C. Additional power of the Court

Where a petition is made under section 523B(b) the Court may make any order with respect to the winding up of a company that it considers just and equitable in the circumstances.

523D. Report as evidence

A copy of a report of an inspector appointed under the foregoing provisions of this Act, authenticated by the seal of the Registrar, shall be admissible in any legal proceeding as evidence of the opinion of the inspector in relation to any matter contained in the report.”

8. Amendment of section 377

The principal Act is amended in section 377 by—

4. Amendment of section 518

The principal Act is amended in section 518 by—

- (a) inserting the word “or” at the end of paragraph (c);
- (b) repealing “, or” at the end of paragraph (d) and substituting a “;”; and
- (c) by repealing paragraph (e).

5. Insertion of section 518A

The principal Act is amended by inserting the following after section 518—

“518A. Investigation order in the public interest

(1) The Attorney General may, with the approval of the Cabinet, apply *ex parte* or upon such notice as the court may require, to the court for an order directing that, an investigation be made of a company or any of its affiliated companies and that an inspector be appointed for this purpose where it appears to the Attorney General that—

- (a) it is desirable for the protection of the public or members or creditors of a company or of the holders of debentures of a company; or
- (b) in any case it is in the public interest.

(2) If the court is satisfied, that the public interest would be served by an investigation directed pursuant to an application made under subsection (1), the court may make the appropriate order under section 519.

(3) For the purposes of this Division “inspector” means a person appointed to conduct an investigation.”

6. Amendment of section 519

The principal Act is amended in section 519—

- (a) by repealing the word “or” at the end of paragraph (k);
- (b) by inserting the word “or” at the end of paragraph (l);
- (c) by inserting after paragraph (l) the following—

THE COMPANIES (AMENDMENT) ACT, 2009

ARRANGEMENT

Sections

1. Short title.
2. Interpretation
3. Amendment of section 66(2)
4. Amendment of section 518
5. Insertion of section 518A
6. Amendment of section 519
7. Insertion of sections 523A, 523B, 523C and 523D
8. Amendment of section 377
9. Amendment of section 379

[L.S.]



I Assent,

Louise Lake-Tack,
Governor-General.

4th November, 2009.

ANTIGUA AND BARBUDA

THE COMPANIES (AMENDMENT) ACT, 2009

No. 9 of 2009

AN ACT to amend the Companies Act, 1995 and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Companies (Amendment) Act, 2009.

2. Interpretation

In this Act “the principal Act” means the Companies Act, 1995.

3. Amendment of section 66(2)

The principal Act is amended in section 66(2) by repealing the word “six” and substituting the word “ten”.