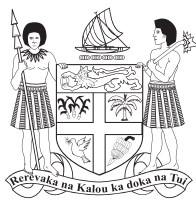


EXTRAORDINARY



GOVERNMENT OF FIJI GAZETTE

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GOVERNMENT OF FIJI

COMPANIES (AMENDMENT) DECREE 2014
(DECREE NO. 22 OF 2014)

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009 and section 165(2) of the Constitution of the Republic of Fiji, I hereby make the following Decree—

A DECREE TO AMEND THE COMPANIES ACT (CAP. 247)

Short title and commencement

1. This Decree may be cited as the Companies (Amendment) Decree 2014 and shall come into force on the date of its publication in the *Gazette*.

Section 340 amended

2. Section 340 of the Companies Act (Cap. 247) is amended by—

- (a) deleting the words “: Provided that the registrar shall not be required to send the letters referred to in subsections (1) and (2) in any case where the company itself or any director or secretary of the company has requested him or her to strike the company off the register or has notified him or her that the company is not carrying on business”; and
- (b) inserting the following new subsections after subsection (3)—

“(3A) Subsections (1) – (3) shall not apply where a company or any director or secretary thereof makes a request to the registrar to have the name of the company struck off the register or has given notification to the registrar that the company is not carrying on business or is not in operation.

(3B) A company or any director or secretary of the company who makes a request or gives notification under subsection (3A), shall be required to furnish to the registrar a statutory declaration or affidavit stating—

- (a) that the company is not carrying on business or is not in operation;
- (b) that the company does not owe money to creditors or is not in arrears;
- (c) that the company does not own assets; and
- (d) such other information as the registrar may require.

(3C) Upon receipt and assessment of the particulars required under subsection (3B), the registrar shall strike the name of the company off the register and publish a notice in the *Gazette* to that effect.

(3D) Any person or company who furnishes false information under subsection (3B) commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 5 years, or to both.”

Given under my hand this 27th day of June 2014.

EPELI NAILATIKAU
President of the Republic of Fiji