

REPUBLIC OF KIRIBATI
(No. 22 of 1996)

I assent,

Telemi
Beretitenti
06/12/1996

AN ACT TO PROVIDE FOR COMPANIES ANNUAL RETURN (AMNESTY) FOR THE
YEARS PRIOR TO 1996

Commencement:
1996

MADE by the Maneaba ni Maungatabu and Assented to by the Beretitenti.

Short Title

1. This Act may be cited as the Companies Annual Return (Amnesty) Act 1996.

Commencement

2. This Act shall be deemed to have come into operation on the 31st day of July 1996.

Interpretation

3. In this Act, unless the context otherwise requires -

“Company” means any company registered under the Companies Ordinance (Cap. 10A) at any time up to the commencement of this Act.

Company dissolved and struck off deemed to remain on Register of Companies.

4. Any company dissolved and struck off the Register of Companies under section 62 of the Companies Ordinance (Cap. 10A) for failure to deliver for registration an annual return for the years prior to 1996 shall be deemed not to have been so dissolved and to have remained on the Register of Companies.

Date for delivery for registration of annual return of companies for 1996 extended to 31 March 1997

5. The last date for delivering for registration an annual return of any company for the year 1996 is hereby extended from the day before 31 July 1996 to 31 March 1997.

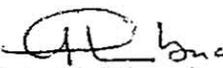
Companies to be dissolved and struck off if failed to deliver for registration a return on 31 March 1997

6. The provisions of section 62(2) of the Companies Ordinance (Cap. 10A) shall apply to any company which fails to deliver for registration a return on or before 31 March 1997.

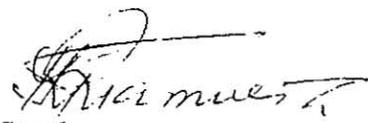
Section 62 of Companies Ordinance to still apply

7. For the removal of doubt, section 5 and 6 of this Act shall not affect or alter the requirement to deliver for registration an Annual Return pursuant to section 62 of the Companies Ordinance (Cap. 10A) for any year after 1996.

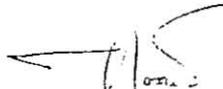
This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 25 November 1996 and is found by me to be a true and correctly printed copy of the said Bill.


Clerk to the Maneaba ni Maungatabu

I certify that the above Act was on 25 November 1996 passed by the Maneaba ni Maungatabu on a Certificate of Urgency under section 68(3)(a) of the Constitution


Speaker

Published by exhibition at the Maneaba ni Maungatabu this 11th day of December 1996

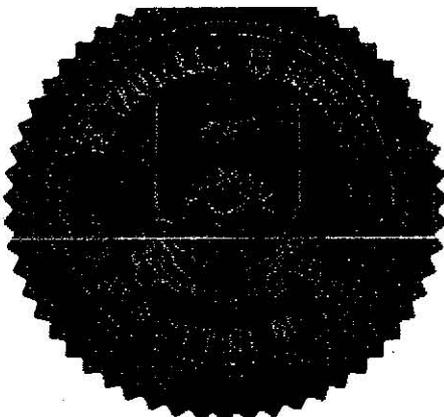

Clerk to the Maneaba ni Maungatabu

THE COMPANIES ANNUAL RETURN (AMNESTY) ACT 1996

EXPLANATORY MEMORANDUM

1. The purpose of this Act is to remedy the problem of wide spread non compliance with Section 62 of the Companies Ordinance (Cap. 10A) which requires inter alia all Registered Companies each year to deliver for registration an Annual Return to the Company Registrar.
2. The reason for non compliance include, lack of knowledge on the part of the Company Management of the requirements of the Act, the difficulty in getting Company Accounts Audited (which is a prerequisite in most cases to registration of an annual return).
3. If all non complying Companies were dissolved and struck off the register of Companies, the result would be disastrous for the economy of the Republic and this Act is necessary to avoid the immediate consequences of Section 62 of the Companies Ordinance (Cap. 10A).

Michael N. Takabwebwe
Attorney General
8 October 1996



REPUBLIC OF KIRIBATI
(No. 9 of 2009)

I assent,

Audeti Tung
Beretitenti
8 December 2009

**AN ACT TO PROVIDE FOR AN AMNESTY IN RESPECT OF THE FILING OF
ANNUAL RETURNS UNDER THE COMPANIES ORDINANCE (CAP.10A)**

Commencement:
2009

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

1. Short title

This Act may be cited as the *Companies' Annual Returns (Amnesty) Act 2009*.

2. Extension of time for delivery of companies' annual returns

Notwithstanding the express provisions of section 62(1) of the *Companies Ordinance* (Cap.10A), an annual return for any financial year ending on or before 31 December 2009 shall be delivered to the Registrar of Companies for registration by the company concerned no later than 30 June 2010.

3. Late filing fees

- (1) Any late filing fee which may have accrued as at the date of entry into force of this Act pursuant to section 7(1) of the *Companies Ordinance* is hereby waived.
- (2) For the avoidance of doubt, the provisions of section 7 of the *Companies Ordinance* shall apply in respect of any annual return—
 - (a) for any financial year ending on or before 31 December 2009, which is not delivered on or before 30 June 2010; or
 - (b) the date for delivery of which falls on or after 1 July 2010.

COMPANIES' ANNUAL RETURNS (AMNESTY) ACT 2009

EXPLANATORY MEMORANDUM

This short Act seeks to address a wide-scale failure of registered companies to file annual returns, as required by the *Companies Ordinance* (Cap.10A).

Directors of companies in default have advised that the late fees presently imposed under section 7 of the Ordinance have accumulated to levels that are so high as to be crippling, and are a major impediment for companies wishing to bring their filings up to date. The scale of future late fees will be addressed by amendments introduced by the *Companies (Amendment) Bill 2009*, however it is believed that a limited amnesty period, together with public awareness campaigns and Directors' training, will encourage earlier compliance.

Section 2 of the Act extends the time for filing outstanding annual returns for all past financial years (together with the present financial year) until 30 June 2010.

Section 3 waives any late fees that have accrued, but makes it clear that the fees prescribed by section 7 of the Ordinance will apply to the late filing of annual returns in future.

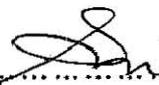
Titabu Tabane
Attorney General
14 October 2009

**CERTIFICATE OF THE CLERK OF THE MANEABA NI
MAUNGATABU**

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 7th December 2009 and is found by me to be a true and correctly printed copy of the said Bill.


.....
Eni Tekanene
Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this ...... day
of December 2009.


.....
Clerk of the Maneaba ni Maungatabu