

## LAUNCH OF E-SERVICES REQUIRES AMENDMENTS TO ACTS

On 1 January 2016, The Registrar General's Department launched its new online system providing e-services to Registered Agents as well as to the public. In order to facilitate the new system, the Companies Act ("CA") and the International Business Companies Act ("IBC Act") were both amended effective as of 18 January 2016.

The CA and the IBC Act as amended each provides for company incorporation and other documents to be submitted to the Registrar either manually or electronically. Under the amended Acts, the Registrar has the legal power to receive, execute, process and issue electronic documents, including but not limited to incorporation documents, certificates and filings. Electronic documents issued by the Registrar shall not be denied legal effect, validity, admissibility or enforceability solely on the ground that they are in electronic form.

Changes have also been effected to the name reservation system. It is now possible to reserve any of the following:

- (i) a name consisting solely words,
- (ii) a name consisting of a combination of words and numbers,
- (iii) dual English and Foreign names, or
- (iv) a numeric designation followed by "Bahamas Limited" (e.g. "045 Bahamas Limited") instead of a name.

The name reservation period has been reduced from 6 weeks to 28 days, but this may be extended for a further 14 days on application to the Registrar.

In addition to the above amendments to both the CA and the IBC Act, Section 84B of the IBC Act now provides for a company formed under the IBC Act (an "IBC") to be converted into an investment condominium (ICON) established and registered under the Investment Condominium Act. Once an IBC has been converted into an ICON, it will be struck off the IBC Register as of the date specified in the certificate of conversion.

New fees under the CA and IBC Act have also come into effect as of 18 January 2016. These include increased incorporation fees of \$1,000 (under the CA) and \$1,200 (under the IBC Act) for companies with authorized share capital of more than \$50,000.00, and additional fees of \$500.00 (under the CA) and \$450.00 (under the IBC Act) for express incorporation within one hour.

### ***For more information, contact:-***

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