ADMINISTRATIVE (H1) RESTORATION

If a company is making an application to be restored within twelve months of being struck off or dissolved it can apply directly to the Companies Registration Office. This will avoid the necessity of engaging a solicitor and barrister and seeking a hearing in the High Court.

Where a company has been struck off pursuant to Section 733 Companies Act 2014, Section 311 Company Act 1963, or Section 12(3) Companies Amendment (Act) 1982, or for failure under section 727 (b) to deliver the statement required under section 882 of the Taxes Consolidation Act 1997 or section 12A Companies (Amendment) Act 1982, it may make an application to the Registrar of Companies by way of a H1 Restoration.

An application for restoration should be made on the prescribed Form H1 before the expiration of the 12 months from the date of which the company was dissolved. The CRO enforce the 12 month rule without exception.

All annual returns, together with audited accounts must then be submitted to the CRO within 15 months of the date of the dissolution of the Company. (*The accounts must relate to an individual financial year and may not be amalgamated with the financial statements for another financial year or years*). The standard filing fee per return must be paid together with the relevant late filing penalties that apply.

Also where a company was struck off following default in compliance with the Revenue Commissioners, written confirmation from the Revenue stating that they have no objection to the Restoration of the company must be submitted.

Once the relevant Form H1 has been received and the company's outstanding annual returns and accounts (*and the Revenue letter if applicable*) have been filed with the CRO the company will be restored to the Register within 5/10 working days..

Every company being restored to the register must be in compliance with the provisions of the Companies Act 2014. As and from the 1st December 2016 unconverted private limited by shares companies become LTD companies and Guarantee Companies and Unlimited Companies must be accord with the name change requirements imposed by the Act.

Should you wish to engage CFI to attend to this procedure on your behalf we would need the following items:

1. All outstanding annual returns and accounts **OR** instructions to prepare the returns. (please note all Annual Returns must be generated electronically on the CRO online filing system and copies of financial statements must be up-loaded accordingly.

2. A Form H1 signed by a director or the secretary of the above company.

3. Bank draft or Postal Money Order made payable to **the Companies Registration Office** for the late/standard filing fees due on the outstanding Annual Returns

4. CFI fees as indicated below:

CFI fees for completion & submission of Form H1 and the filing of the annual return and accounts	€245.00
VAT at 23%	€ 56.35
CRO duty on filing of the H1	€300.00
TOTAL	**€601.35**

Please note audited accounts must be attached to all annual returns, even if Audit Exemption would otherwise have applied.

Also failure to submit an application for an Administrative restoration within one year of the dissolution date of the company and meet the relevant filing requirements within 15 months of the dissolution of the company will result in the need for an application to be made by way of Court Restoration, which is a far more costly and lengthy process.

If you would like further information on the above matter, please contact **Karen Corcoran or Sean Kavanagh** at CFI on +**353 1 664 1177**. Or better still you can email us directly at **karen@formations.ie.**

Very Important note:

The information in this document is of a general nature only and is not intended to address the circumstances of any particular person, corporation or entity. There is no guarantee that the information in this document is accurate as of the date it is received, or that it will continue to be accurate in the future. No individual or entity should act on the contents herein without first taking appropriate legal, accounting and taxation advice that is specific to their circumstances.

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