

New temporary amendments to the Companies Act 2014 to address issues created by Covid-19

The Act introduces exceptional provisions for a specific period until 31 December 2020 to the Companies Act 2014 in response to economic difficulties and risk to human life and public health caused by the Covid-19 disease.

It -

- (a) facilitates the holding of remote meetings including creditors, liquidators, members, and;**
- (b) increases the threshold at which a company is deemed to be unable to pay its debt.**

Meetings

During the interim period meetings of creditors, liquidators, members and contributor may be held using electronic communications technology.

Such meetings may be held:

- wholly or partly using electronic communication technology with no need for a physical venue provided all relevant attendees have a reasonable opportunity to participate in the meeting;
- where the relevant person provides or facilitates the use of electronic communication technology including a mechanism for casting votes before or during the meeting;
- with proportionate restriction to ensure identification of attendees and security of the electronic communication technology to reduce the risk of data corruption and illegal access and certainty as to the source;
- where a vote on resolutions is taken by a show of hands of relevant attendees provided the identify can be verified.

Notice of meeting

Notice of the meetings to be held using electronic communications technology must state:

- the electronic platform to be used;
- details for access to the electronic platform;
- timeframe for confirmation of attendance;
- any restriction in place in order to identify attendees;
- procedure for asking questions;
- procedure for voting

Increased indebtedness

During the interim period a company is deemed unable to pay its debt when for 21 days a debt in excess of €50,000 remains unpaid to one or more creditors who requested payment.