

**EMERGENCY POWERS (CORONAVIRUS) (ELECTRONIC TRANSMISSION OF INFORMATION - ENTERPRISES) REGULATIONS 2020**

Guidance

April 2020

CR2020/001

This Guidance is issued by Companies Registry following the introduction of above mentioned Regulations under section 4 of the Emergency Powers Act 1936 during the Coronavirus Proclamation period.

The Regulations provide an alternative method of signing documents to be filed with Companies Registry under the Acts, alternative means of submitting statutory documents to Companies Registry for registration under the Acts, and extend the period for filing before a late filing fee is payable.

Copies of the Acts and regulations are available free of charge from the Isle of Man legislation website: <https://www.legislation.gov.im/cms/en/>

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**1. Document signing**

- 1.1 Where a document is required to be signed by one person only (“signatory”) and due to any restriction imposed upon the signatory during the Coronavirus Proclamation period, the signatory is unable to give the document with his or her original signature on it to Companies Registry, the requirement may be satisfied if the signatory sends the document with the image of the persons signature on it electronically to Companies Registry. Verified 3<sup>rd</sup> party digital or electronic signature solutions will also be accepted.



- 1.2 Where a document is required to be signed by more than one person and due to any restrictions imposed upon a person during the Coronavirus Proclamation period, the requirement may be satisfied if - the document is signed in the manner referred to in 1.1 above by the 1<sup>st</sup> signatory and then sent electronically to the 2<sup>nd</sup> signatory, and where required to any subsequent signatory in the same manner. The last person signing the document, sends the document containing the image of signature of every person required to sign it to Companies Registry.
- 1.3 Where there is a requirement for a document to be signed and also witnessed by another person, that requirement is satisfied if the signatory and witness establish an electronic communication between each other, providing the signatory and witness are able to see and hear each other.
- 1.4 **Additional requirements** - where a document has been signed electronically in accordance with the Regulations, there is a requirement for every person who has signed or witnessed a document to keep for 2 years every document sent to him or her under the regulation and provide any such document to the Department or Registrar should a request be made.

## 2. Document submission and payment of filing fees

- 2.1 Documents can be presented for registration electronically subject to the following process;
- Each individual document is sent in PDF format (where there are multiple documents required for a registration for example a 1931 Act incorporation, the Memorandum of Association will be a separate document, the Articles of Association will be a separate document, and the Form 1 will be a separate document);
  - The documents must be emailed to [companyfilings@gov.im](mailto:companyfilings@gov.im)
  - The email sent to submit the document must also be sent all persons who have signed the document - see sections 6(2)(d)&(e) of the Regulations

- Where a statutory fee is required (incorporation, registration or annual returns), payment can be made either by;
  - (a) bank transfer (<https://www.gov.im/media/1368638/2020-01-02-companies-registry-bacs.pdf>) prior to filing, with evidence of payment being made included to on the email. The document will be determined as being received upon the successful provision and allocation of the payment. or;
  - (b) by debit or credit card. If using this method then please provide a contact telephone number and a team member from Companies Registry will call you to take payment over the telephone. The document will be determined as being received upon the successful provision and allocation of the payment.
- 2.2 Where no registration fee is required, documents will be treated as being received on the date of receipt of the email.
- 2.3 Where a document cannot be accepted for registration under the respective Acts, notification of the same will be sent by email to the original sender of the email.

### 3. **Filing Periods**

- 3.1 The Regulations modify the initial filing period for submitting a document for registration before a late filing fee becomes payable from 1 month and 1 day to 3 months and 1 day.
- 3.2 The subsequent filing period, where the increased late filing fee becomes payable is increased from 3 months and 1 day to 5 months and 1 day.