

**ANTIGUA AND BARBUDA**



**COMPANIES (AMENDMENT) BILL, 2023**

**No. of 2023**



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**ARRANGEMENT OF CLAUSES**

**CLAUSE**

1.	Short Title .....	4
2.	Interpretation.....	4
3.	Amendment of section 598 – Who may file a Plan.....	4

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**AN ACT** to amend the Companies Act, 1995 No. 18 of 1995 and for other connected purposes.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short Title**

This Act may be cited as the Companies (Amendment) Act, 2023

**2. Interpretation**

In this Act-

“principal Act” means the Companies Act, 1995 No. 18 of 1995

**3. Amendment of section 598 – Who may file a Plan**

Section 598 of the principal Act is amended as follows –

- (a) by deleting the word “chapter” wheresoever it appears in that section and replacing these occurrences with the word “Part”;
- (b) by repealing subsections (5) thereof and replacing this with the following:

“(5) The 120-day period specified in subsection (4) may not be extended beyond a date that is more than 30 months from the date of the order for relief under this Part.”
- (c) by repealing subsection (6) thereof and replacing this with the following:

“(6) The 180-day period specified in subsection (4) may not be extended beyond a date that is 40 months after the date of the order for relief under this Part.”



## **EXPLANATORY MEMORANDUM**

This Bill seeks to amend the Companies Act 1995 by making amendments to the section regarding who may file a Plan in a Company Rehabilitation. The Bill contains 3 clauses.

**Clause 1** (Short title) the name by which this pending Act will be referred;

**Clause 2** (Interpretation) identifies the principal Act being amended.

**Clause 3** – Amendment of section 598 (Who may file a Plan). This clause deals with the issue of filing a restructuring plan for a company that has been placed in administration under the Act.

The amendment at paragraph (a) deletes the word “chapter” from wheresoever it appears in the section and replaces these with the word “Part” for consistency with the rest of the legislation;

Paragraphs (b) and (c) repeals and replaces subsections (5) and (6) respectively.

In granting the order for relief, the principal Act sets a 120-day timeline within which to produce a rehabilitation Plan, and a 180-day timeline to get acceptance for the plan from all the creditors of the company. However, this time period is not considered as adequate. This amendment permits the Administrator or any other interested party to apply to the court to extend the 120-days period for the filing of a plan to 30 months from the date of the making of the order for rehabilitation; or to extend the 180-days time period for getting acceptance of the plan from creditors etc to 40 months.

Hon. Steadroy Benjamin  
Minister of Justice and Legal Affairs