



H1-OMC RESTORATIONS

Due to the introduction of the Multi-Unit Developments Acts, 2011, an Owners' Management Company (OMC) which has been struck off voluntarily under section 311 Companies Act 1963 or was struck off under section 12(3) Companies (Amendment) Act 1982 for failure to file annual returns, can now be restored administratively by making an application to be restored in the prescribed form directly to the Companies Registration Office within **six years** of the date of dissolution.

What steps need to be undertaken to apply to have a company restored

- A form H1-OMC will need to be completed and signed with the following attached:

Certificate from a solicitor or accountant certifying that the company is an Owners' Management Company and is operating as such

Certified copy of the deed of transfer of the common areas or part thereof, of the multi-unit development in respect of which the company was incorporated. The deed should be dated no later than the day prior to the date of the company's dissolution.

- All outstanding Annual Returns must be prepared with the relevant audited accounts
- All fees due to the Companies Registration Office in respect of the filing duty due for the form H1-OMC (€300), standard filing fees and late filing penalties due if any on the annual returns.

Upon registration of the application and payment of the relevant fees the company shall be restored to the Register within 8/12 weeks and shall be deemed to have been in existence as if it had never been dissolved

If my company is dissolved for less than 12 months can I apply by way of form H1

Yes where the company is applying to be restored to the Register within 12 months of being dissolved then it can apply by way of Form H1 restoration. This is a less onerous process in so far as it does away with the need to have the certificate from a solicitor/accountant or a copy of the certified deed filed. However Form H1 option, in regard to OMC's is only available to the Company where the H1 form is signed by an officer of the Company. If a member of the company is applying for restoration of the OMC within 12 months of dissolution, then they must apply using Form H1-OMC.

Also when applying by way of Form H1 the company can apply to be restored by way of "Fastrack" restoration. This involves an officer of the company physically attending the CRO and lodging the documents in person. The officer will be required to remain in the CRO until the company is restored to the register.

(CFI can assist clients who wish to have a company restored in one day, by having one of our in-house companies appointed Joint-Company Secretary. Please contact us for further details).

Once the company has been restored, either by H1 or H1-OMC restoration, CFI will commission a Certified Print-Out from the CRO's records which will show the status of the Company as "Normal". This document can then be presented to banks, solicitors and other parties needing confirmation of the company's legal standing.

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.
2. A Form H1/ H1-OMC signed by a director, Secretary or Member of the above company which ever applies (relevant **certificates must also be attached to the Form H1-OMC**)

3. A cheque in respect of CRO filing fees and CFI fees as indicated below.

CFI fees for completion & submission of Form H1/ H1(OMC) to CRO	€119.00
VAT @23%	€ 27.37
CRO filing fee of Form H1	€300.00
TOTAL	€446.37
ADDITIONAL CHARGES	
“Fast Track” attendance - if required will require CFI to be appointed Joint Secretary for One Day Only	€490.00 plus VAT @ 23%

If we can provide any further information please do not hesitate to contact either **Karen Corcoran** or **Sean Kavanagh**

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