

BERMUDA SUPREME COURT

Abu Dhabi Commercial Bank PJSC -v- Algozaibi Trading Services Limited [2014] SC (Bda) 71 Com (12 September 2014)

STATUTORY DEMAND - SECTION 62 OF THE
COMPANIES ACT, 1981 - EFFECTIVE SERVICE -
REGISTERED OFFICE

The Petitioner was a creditor of the Respondent Company which had served a Statutory Demand requiring the Respondent to pay the judgment sum. The Petitioner had appeared before the Registrar and satisfied the Registrar that requirement for service and advertisement had been met. The only question that has been problematic in that regard is the fact that former service providers at the Company's registered office, signified when served that they have resigned and the address was no longer the registered office. The Court therefore considered the requirements for service in circumstances where a registered office is no longer an operative one.

The facts were that the Petitioner, having carried out a search at the Registrar of Companies' office, was clear the only registered office on record is in fact the address at which the Statutory Demand and Petition were served. The registered office rules contained in Section 62 of the *Companies Act, 1981* (the "Act") provide in Section 62(3) that the company may change the situation of its registered office by giving notice in the prescribed form to the Registrar and such change takes effect upon the notice being registered by the Registrar.

The Judge held, he was satisfied that having regard to the provisions of Section 62(3) of the Act, service on the last registered office of a Bermuda company is good service.

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