

CORPORATE AND COMMERCIAL

COVID-19: Practical Considerations: Companies House Filing Extension Scheme

25 March 2020

Guidance for companies in Northern Ireland.



CORONAVIRUS-RELATED FILING EXTENSION SCHEME

Companies that have been or are being impacted by the developing coronavirus situation are now able to apply for a three-month extension to file accounts with Companies House.

This development came after an increased awareness of the public health situation, implementation of working from home contingency plans, and the forced closure of many non-essential businesses. This has presented a number of logistical and practical difficulties for businesses in meeting filing deadlines with Companies House. Without special filing extensions, companies may therefore have been at risk of incurring late filing penalties.

WHO IS ELIGIBLE FOR THE SCHEME?

The extension is available to those companies that anticipate they will not be able to prepare, finalise or file accounts on time, due to the impact of COVID-19.

By law, companies are required to produce and file accounts within nine months of the Accounting Reference Date. The extension scheme may therefore be of particular relevance for those companies that have a financial year end from June to December and so would ordinarily be due to file accounts in the coming months.

Businesses should note, however, that eligibility is subject to any extensions already in place. Companies that have already extended their filing deadline, or shortened an Accounting Reference Period, may not be eligible. Where a business is concerned about eligibility for the Filing Extension Scheme, please contact Arthur Cox for specific advice.

HOW TO MAKE AN APPLICATION

While companies have always had the right to apply for an extension of an accounting deadline, Companies House imposed very stringent policies as to whether to grant an extension. However, in light of the latest government guidance, companies that are impacted by the COVID-19 situation will be granted an extension immediately on application. In other words, the ordinary criteria applied by Companies House will be lifted.

An application must be made online at <https://beta.companieshouse.gov.uk/extensions>. Companies House must be notified by way of application. The application may take up to 15 minutes and must be made ahead of the filing deadline date; a company cannot apply once the deadline date has passed. The person applying on behalf of the company will need:

- The company number;
- An email address;

This document is a general summary of developments and is not a complete or definitive statement of the law. Specific legal advice should be obtained where appropriate.

- Information on the reason for extension (for an automatic extension COVID-19 impact must be cited); and
- Any documents to support the application (where available).

WHAT IF THE COMPANY DOES NOT APPLY FOR THE EXTENSION AND MISSES A FILING DEADLINE?

Where a business which has been impacted by the coronavirus does not avail of the extension and accounts are filed late, the normal penalty procedure applies. Late filing of accounts carries a financial penalty, in addition to fines imposed on the company in question.

A company does have a right to appeal a penalty. Companies House will review

each appeal on a case by case basis applying policies in place to deal with appeals based upon unforeseen circumstances and poor health. Companies House has advised that this approach is being kept under review and may be further amended subject to the development of the COVID-19 situation.

OTHER PRACTICAL CONSIDERATIONS FOR COMPANIES

Companies should consider whether they are part of the Companies House Online Web Filing Service. Subject to certain restrictions, this scheme enables registered companies to process online a vast majority of Companies House forms that would otherwise be made by paper.

HOW ARTHUR COX CAN HELP YOU

As part of our Corporate Secretarial and Governance service offering, Arthur Cox, makes Companies House filings on behalf of a large number of businesses.

We stand ready to advise your business on any specific filing queries arising from the COVID-19 situation.

KEY CONTACTS



Alan Taylor
Partner
D: +44 28 9026 2671
M: +44 77 7245 9461
alan.taylor@arthurcox.com



Paul McBride
Partner
D: +44 28 9089 4531
M: +44 74 3576 1092
paul.mcbride@arthurcox.com



Lynsey Mallon
Partner
D: +44 28 9026 2669
M: +44 79 1890 6395
lynsey.mallon@arthurcox.com



William Curry
Partner
D: +44 28 9026 5881
M: +44 79 1890 6415
william.curry@arthurcox.com



Cahal Carvill
Partner
D: +44 28 9026 2659
M: +44 75 8788 2055
cahal.carvill@arthurcox.com