

INFORMATION ON HOW TO REVOKE AN APPOINTMENT OF ATTORNEY FOR AN EXTRAPROVINCIAL COMPANY

Thank you for your request on how to revoke an appointment of attorney for an extraprovincial company under section 393 of the *Business Corporations Act*.

STEP ONE

In order to revoke an appointment of an attorney, an extraprovincial company must file a Notice of Revocation of Appointment of Attorney (**Form 40**) with the registrar. The revocation takes effect at the beginning of the day following the date on which the notice is accepted and filed with the registrar.

An extraprovincial company cannot revoke the last attorney on file, unless it has, under its charter, a head office in British Columbia.

Note: A revocation of the appointment of an attorney does not take effect unless and until the extraprovincial company complies with section 386 of the Business Corporations Act.

Section 386 requires that every extraprovincial company must have at least one attorney unless, under its charter, its head office is in British Columbia. Each attorney is deemed to be authorized by the extraprovincial company to accept service and to receive notices.

After a revocation of the appointment of an attorney takes effect, the registrar will furnish confirmation of the revocation of appointment to the person whose appointment has been revoked.

STEP TWO

In order to satisfy the requirements of section 386, the extraprovincial company may have to appoint a new attorney. In order to appoint a new attorney, complete and submit to the registrar a Notice of Appointment of Attorney (**Form 38**).

The appointment of an attorney is effective on the date and time the Notice of Appointment of Attorney is filed with the registrar.

When the registrar receives and accepts the Notice of Appointment of Attorney, the registrar will provide confirmation of the appointment to the person identified as the new attorney.

Note: Failure to comply with the requirement of section 386 of the Business Corporations Act will result in the cancellation of the registration of the extraprovincial company.

FEES

The fee to file either a Notice of Revocation of Appointment of Attorney (**Form 40**) or a Notice of Appointment of Attorney (**Form 38**) is \$20 for each filing.

All notices are processed on a first-come, first-served basis unless you pay an additional priority fee. If you wish the notice to be processed on a **priority basis**, an **additional \$100** will be required. If the notice is being submitted on a priority basis, clearly indicate on both the envelope and the notice that the submission is a priority.

A priority service is considered completed when the document is filed or the service request is completed. Turnaround is usually within 24 hours.

Note: If a document to be filed has errors and requires correction, then those corrections must be made and returned to this office within the 24 hour period to maintain priority status.

Send your notice, with cheque or money order payable to the Minister of Finance, to:

Mailing Address:
Corporate Registry
PO Box 9431 Stn Prov Govt
Victoria BC V8W 9V3

ADDITIONAL INFORMATION

For information regarding completion of your documentation, contact the Corporate Registry at **250 356-8626**. If calling from the Greater Vancouver area, the direct dial free line is **604 775-1047**. Corporate Registry staff **cannot** provide legal or business advice.



Ministry of Finance BC Registry Services

Mailing Address: PO Box 9431 Stn Prov Govt Victoria BC V8W 9V3 Location: 2nd Floor – 940 Blanshard Street Victoria BC www.fin.gov.bc.ca/registries

NOTICE OF REVOCATION OF APPOINTMENT OF ATTORNEY FORM 40 EXTRAPROVINCIAL COMPANY Section 393 Business Corporations Act

Telephone: 250 356-8626

INSTRUCTIONS:

Please type or print clearly in block letters and ensure that the form is signed and dated in ink.

- Item B Enter the name exactly as shown on the extraprovincial company's Certificate of Registration... Item C An attorney may be an individual or a BC company... Item E This is the signature of the authorized signing authority...

Effective Date: The revocation of the attorney will take effect at the beginning of the day (12:01 a.m. Pacific Time) following the date on which the notice is filed with the registrar.

Filing Fee: \$20.00 Submit this form with a cheque or money order made payable to the Minister of Finance, or provide the registry with authorization to debit the fee from your BC OnLine Deposit Account.

Freedom of Information and Protection of Privacy Act (FOIPPA): Personal information provided on this form is collected, used and disclosed under the authority of the FOIPPA and the Business Corporations Act...

OFFICE USE ONLY – DO NOT WRITE IN THIS AREA

A REGISTRATION NUMBER OF EXTRAPROVINCIAL COMPANY

B NAME OF EXTRAPROVINCIAL COMPANY

C FULL NAME OF ATTORNEY WHOSE APPOINTMENT IS BEING REVOKED LAST NAME FIRST NAME MIDDLE NAME

COMPANY NAME

D MAILING ADDRESS OF ATTORNEY

PROVINCE BC POSTAL CODE

E CERTIFIED CORRECT – I have read this form and found it to be correct.

NAME OF AUTHORIZED SIGNING AUTHORITY FOR THE EXTRAPROVINCIAL COMPANY SIGNATURE OF AUTHORIZED SIGNING AUTHORITY FOR THE EXTRAPROVINCIAL COMPANY DATE SIGNED YYYY / MM / DD

X

**NOTICE OF
APPOINTMENT OF ATTORNEY**

**FORM 38
EXTRAPROVINCIAL COMPANY**
Section 389 *Business Corporations Act*

Telephone: 250 356-8626

OFFICE USE ONLY – DO NOT WRITE IN THIS AREA

Freedom of Information and Protection of Privacy Act (FOIPPA):
Personal information provided on this form is collected, used and disclosed under the authority of the FOIPPA and the *Business Corporations Act* for the purposes of assessment. Questions regarding the collection, use and disclosure of personal information can be directed to the Executive Coordinator of the BC Registry Services at 250 356-1198, PO Box 9431 Stn Prov Govt, Victoria BC V8W 9V3.

INSTRUCTIONS:

Please type or print clearly in block letters and ensure that the form is signed and dated in ink.

Item B Enter the name exactly as shown on the extraprovincial company's Certificate of Registration, or enter the name exactly as shown on any Change of Name certificate or registration certificate issued by the registrar as a result of an amalgamation of the extraprovincial company.

Item C This form notifies the registrar of the appointment of an attorney for an extraprovincial company.

A foreign entity that is registered as an extraprovincial company must ensure it has one or more attorneys or, under its charter (or similar record), its head office is in BC. If its head office is in BC, the foreign entity may choose to also appoint one or more attorney(s).

Each attorney for an extraprovincial company must be either, 1) an individual who is resident in BC OR, 2) a company incorporated in BC.

Item D The delivery address of an attorney who is an individual is the address of the office in BC where the individual can usually be reached between 9 a.m. and 4 p.m. on business days for the delivery of records. Or, if the

attorney is a BC company, the delivery address is for the registered office of the company which must be for a location in BC that is accessible to the public between 9 a.m. and 4 p.m. on business days for the delivery of records. A delivery address must not be a post office box.

Item E This is the signature of the authorized signing authority for the extraprovincial company. If the authorized signing authority is another attorney for the extraprovincial company and that attorney is a BC company, this form must be signed by an authorized signing authority for that company.

Effective Date:

The appointment of an attorney is effective on the date and time the notice of appointment is filed with the registrar.

Filing Fee: \$20.00

Submit this form with a cheque or money order made payable to the Minister of Finance, or provide the registry with authorization to debit the fee from your BC OnLine Deposit Account. Please pay in Canadian dollars or in the equivalent amount of US funds.

A REGISTRATION NUMBER OF EXTRAPROVINCIAL COMPANY

B NAME OF EXTRAPROVINCIAL COMPANY

C FULL NAME OF ATTORNEY APPOINTED

LAST NAME

FIRST NAME

MIDDLE NAME

COMPANY NAME

D ATTORNEY ADDRESSES

DELIVERY ADDRESS OF ATTORNEY

PROVINCE

POSTAL CODE

BC

MAILING ADDRESS OF ATTORNEY

PROVINCE

POSTAL CODE

BC

E CERTIFIED CORRECT – I have read this form and found it to be correct.

NAME OF AUTHORIZED SIGNING AUTHORITY FOR THE EXTRAPROVINCIAL COMPANY

SIGNATURE OF AUTHORIZED SIGNING AUTHORITY FOR THE EXTRAPROVINCIAL COMPANY

DATE SIGNED
YYYY / MM / DD

X