

ENSight

corporate commercial

Notice period to convene a shareholders' meeting increases from 14 to 21 days

As from 30 April 2019, following an amendment to the Fifth Schedule of the Companies Act, 2001, a notice convening a shareholders' meeting must now be sent no less than 21 days prior to the meeting, as opposed to no less than 14 days as previously stipulated.

The objective of this amendment is to protect minority shareholders' interests and to bring the Companies Act in line with international best practice.

Given the wording of the Companies Act – and specifically of the Fifth Schedule – the requirement to send such notice no less than 21 days prior to a shareholders' meeting is mandatory, and will consequently apply notwithstanding any contrary provision in any constitution or shareholders' agreement.

This requirement applies to all companies, public or private.

Reviewed by Thierry Koenig, head of ENSAfrica in Mauritius.