STATUTORY INSTRUMENTS

1975 No. 1351

COMPANIES

WINDING-UP

The Companies (Department of Trade) Fees Order 1975

Made - - - -	*7th August* 1975
Coming into Operation	*1st October* 1975

The Lord Chancellor and the Treasury, in exercise of the powers conferred on them by section 365(3) of the Companies Act 1948(a) and sections 2 and 3 of the Public Offices Fees Act 1879(b), hereby make, sanction and consent to the following Order:—

1.—(1) This Order may be cited as the Companies (Department of Trade) Fees Order 1975 and shall come into operation on 1st October 1975.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) Unless the context otherwise requires, a fee referred to by number in this Order means a fee so numbered in the Schedule to this Order.

2. The fees and percentages to be charged for and in respect of proceedings in the winding-up of companies shall be those set out in the Schedule to this Order.

3.—(1) Fees numbered 1, 2, 3, 5, 6 and 8 shall be taken by adhesive stamps and all other fees and percentages in the Schedule shall be taken in cash.

(2) An adhesive stamp denoting payment of a fee shall be an adhesive fee stamp on which the words "Companies Winding-up" or the word "Insolvency" has been printed.

(3) Where any fee is paid to an officer of a court, the person paying the fee shall inform the officer that the fee relates to a proceeding for or in the winding-up of a company.

4. Where the head office of the company being wound up is situated out of England, and the liquidation takes place partly in England and partly elsewhere, or where the court has sanctioned a reconstruction of the company or a scheme of arrangement of its affairs, or where for any other reason the Secretary of State is satisfied that the fees would be excessive, such reduction may be made in the said fees as may, on the application of the Secretary of State, be sanctioned by the Treasury.

(a) 1948 c. 38. (b) 1879 c. 58. (c) 1889 c. 63.

5. The Companies (Board of Trade) Fees Order 1969**(a)**, the Companies (Board of Trade) Fees (Amendment) Order 1970**(b)**, the Companies (Board of Trade) Fees (Amendment) Order 1971**(c)**, the Companies (Board of Trade) Fees (Amendment) Order 1972**(d)**, the Companies (Board of Trade) Fees (Amendment) Order 1974**(e)** and the Companies (Board of Trade) Fees (Amendment No. 2) Order 1974**(f)** are hereby revoked save as to any fee or percentage due or payable before the commencement of this Order.

Dated 6th August 1975.

Elwyn-Jones, C.

Dated 7th August 1975.

M. Cocks,
J. Dormand,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

No. of Fee	*Description of Proceeding*	*Amount*
		£
1	On an application to the Secretary of State for a special bank account	5·00
2	On an order of the Secretary of State for a special bank account	10·00
3	On an application to the Secretary of State under section 15 of the Companies (Winding-up) Act 1890**(g)**, section 224 of the Companies (Consolidation) Act 1908**(h)**, or section 343 of the Companies Act 1948 for payment of money out of the Companies Liquidation Account or for the re-issue of a lapsed cheque, money order or payable order in respect of moneys standing to the credit of that account	0·50

(a) S.I. 1969/519 (1969 I, p. 1440).
(b) S.I. 1970/2008 (1970 III, p. 6533).
(c) S.I. 1971/1020 (1971 II, p. 2966).
(d) S.I. 1972/1055 (1972 II, p. 3158).
(e) S.I. 1974/638 (1974 I, p. 2533).
(f) S.I. 1974/2096 (1974 III, p. 8160).
(g) 1890 c. 63.
(h) 1908 c. 69.

No. of Fee	*Description of Proceeding*	*Amount*
		£
4	On payments of money out of the Companies Liquidation Account under section 15 of the Companies (Winding-up) Act 1890, section 224 of the Companies (Consolidation) Act 1908 or section 343 of the Companies Act 1948—	
	(1) where the money consists of unclaimed dividends, on each dividend paid out ... ... per cent	1·25
	(2) where the money consists of undistributed funds or balances—	
	(i) on the first £5,000 or fraction thereof per cent	1·25
	(ii) on all further sums, one half of the above rate.	
	Provided that—	
	(*a*) the total fee payable in any liquidation shall not exceed £500 and	
	(*b*) any payment of money out of the Companies Liquidation Account in respect of the amount payable to the Secretary of State under paragraph (2) above and Fee No. 9 shall be disregarded in calculating that amount.	
5	On a bond	1·00
6	On the insertion in the *London Gazette* of a notice relating to a company which is being wound up by the court	1·10
7	On the audit of the Official Receiver's or liquidator's accounts by the Secretary of State, a fee according to the following scale on the amount brought to credit, including the produce of calls on contributories, but after deducting (1) the amount spent out of the money received in carrying on the business of the company and (2) amounts paid by the Official Receiver or liquidator to secured creditors (other than debenture holders)—	
	(i) on every £100 or fraction of £100 up to £100,000 ...	4·00
	(ii) on every further £100 or fraction of £100 up to £500,000	3·00
	(iii) on every further £100 or fraction of £100 up to £1,000,000	1·50
	(iv) on every further £100 or fraction of £100 in excess of £1,000,000	0·75
8	On an application by a liquidator to the Secretary of State or to an Official Receiver acting as a committee of inspection	10·00
9	On the amount expended on any purchase of Government securities (including the renewal of Treasury Bills) pursuant to a request made under section 362(1) of the Companies Act 1948 ... ... per cent	0·375
10	Where the Official Receiver acts as provisional liquidator only—	
	(1) where no winding-up order is made upon the petition, or where a winding-up order is rescinded, or all further proceedings are stayed prior to the statutory meetings of creditors and contributories:—	
	such amount as the court may consider reasonable to be paid by the petitioner or by the company as the court may direct;	

No. of Fee	*Description of Proceeding*	*Amount*
		£
	(2) where a winding-up order is made, but the Official Receiver does not continue as liquidator after the statutory meetings of creditors and contributories:—	
	(i) for all official stationery, printing, postage and telephones, the amounts payable under Fee No. 11(1);	
	(ii) where the Official Receiver brings any amount to credit, the amounts payable under Fee No. 11(2) and (3);	
	(iii) at the due date for audit of the accounts of a liquidator other than the Official Receiver, on the amount brought to credit by the said liquidator after deducting any sums paid to secured creditors in respect of their securities and the sums spent out of the money received in carrying on the business of the company:	
	(*a*) on the first £500,000 or fraction thereof per cent	5·00
	(*b*) on the next £500,000 or fraction thereof per cent	3·00
	(*c*) on all further sums ... ... per cent	1·50
11	In all cases where the Official Receiver acts as liquidator of the company (including his services as provisional liquidator)—	
	(1) for all official stationery, printing, postage and telephones—	
	(i) for a number of members and creditors not exceeding 25	50·00
	(ii) for every additional 10 members or creditors or part thereof	15·00
	(2) on any amount brought to credit by the Official Receiver, after deducting the fees payable under Fee No. 13 and the amount spent in carrying on the business of the company—	
	(i) on the first £2,500 or fraction thereof per cent	20·00
	(ii) on the next £7,500 or fraction thereof per cent	15·00
	(iii) on the next £90,000 or fraction thereof per cent	10·00
	(iv) on all further amounts ... ... per cent	5·00
	(3) on the amount distributed in dividends or paid to preferential creditors, debenture holders and contributories by the Official Receiver, half of the fee prescribed for that amount in paragraph (2) above.	
12	Where the Official Receiver brings any amount to credit for secured creditors other than debenture holders:— such fees to be paid out of the amount as are payable under Fee No. 11(2).	
13	Where the Official Receiver brings any amount to credit for debenture holders:— such fees to be paid out of the amount as are payable under Fee No. 11(2) and (3).	
14	Where the Official Receiver brings any amount to credit as liquidator under section 239(*e*) of the Companies Act 1948, such fees as are payable under Fee No. 11(2) and (3).	

No. of Fee	*Description of Proceeding*	*Amount*
		£
15	For travelling, keeping possession, legal costs and other reasonable expenses of the Official Receiver, the amount disbursed.	
16	Where the Official Receiver performs any duty not provided for in this Schedule, such amount as the court, on the application of the Official Receiver with the sanction of the Secretary of State, may consider reasonable.	

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order replaces the Companies (Board of Trade) Fees Order 1969. It increases fees taken by the Department of Trade in proceedings for the winding-up of companies.

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