STATUTORY INSTRUMENTS

1984 No. 881 (L. 10)

COMPANIES

WINDING-UP

The Companies (Department of Trade and Industry) Fees Order 1984

Made - - - -	20*th June* 1984
Coming into Operation	9*th July* 1984

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 section 2 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 and Industry) Fees Order 1984 and shall come into operation on 9th July 1984.

(2) 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) All fees shall be taken in cash.

(2) When a 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 Value Added Tax is chargeable in respect of provision of any service for which a fee is prescribed in the Schedule, there shall be payable in addition to that fee the amount of the Value Added Tax.

5. 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.

6. The Companies (Department of Trade) Fees Order 1980 (**c**), the Companies (Department of Trade) Fees (Amendment) Order 1981 (**d**), the Companies (Department of Trade) Fees (Amendment) Order 1982 (**e**), the Companies (Department of Trade) Fees (Amendment No. 2) Order 1982 (**f**) and the Companies (Department of Trade) Fees (Amendment) Order 1983 (**g**) are hereby revoked save as to any fee or percentage due or payable before the commencement of this Order.

(**a**) 1948 c.38. (**b**) 1879 c.58. (**c**) S.I. 1980/2008.
(**d**) S.I. 1981/1643. (**e**) S.I. 1982/542. (**f**) S.I. 1982/860.
(**g**) 1983/774.

Dated 4th June 1984

Hailsham of St. Marylebone, C.

Ian B. Lang,
T. Garel-Jones,
Two of the Lords Commissioners
of Her Majesty's Treasury.

Dated 20th June 1984.

SCHEDULE

No. of Fee	Description of Proceeding	Amount £
1	On application to the Secretary of State under section 15 of the Companies (Winding-up) Act 1890 (a), section 224 of the Companies (Consolidation) Act 1908 (b), or section 343 of the Companies Act 1948 for the payment of money out of the Insolvency Services Account or for the reissue of a cheque, money order or payable order in respect of money standing to the credit of the Insolvency Services Account	3.30
2	On payments of money out of the Insolvency Services 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 £50,000 or fraction thereof ..... per cent.	1.25
	(ii) on all further amounts ..... per cent.	0.75
	but so that—	
	(a) the total fee payable under this sub-paragraph shall not exceed £7,500,	
	(b) this fee and Fee No. 5 shall be disregarded in calculating the fee payable under this sub-paragraph.	
3	At the due date for liquidators (including the Official Receiver when he is liquidator) sending accounts of their receipts and payments for the immediately preceding six months to the Secretary of State under section 249 of the Companies Act 1948, a fee according to the following scale on the amount paid into the Insolvency Services Account in the said six months (after deducting any sums paid to secured creditors, other than holders of floating charges, in respect of their securities and any sums spent out of money received in carrying on the business of the company)—	
	(a) on the first £50,000 or fraction thereof ..... per cent.	10.00
	(b) on the next £50,000 or fraction thereof ..... per cent.	7.50
	(c) on the next £400,000 or fraction thereof ..... per cent.	6.50
	(d) on the next £500,000 or fraction thereof ..... per cent.	3.75
	(e) on the next £4,000,000 or fraction thereof ..... per cent.	2.00
	(f) on all further amounts ..... per cent.	1.00

(a) 1890 c.63. (b) 1908 c.69.

No. of Fee	Description of Proceeding	Amount £
4	On an application by a liquidator to the Secretary of State or to an Official Receiver to exercise the powers of a Committee of Inspection under section 254 of the Companies Act 1948 and Winding-up Rule 214—	
	for each separate item therein	19.00
5	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
6	When the Official Receiver is provisional liquidator pursuant to section 238 of the Companies Act 1948—	
	such amount as the Court, on the application of the Official Receiver, may consider it reasonable to direct the petitioner or the company to pay to him.	
7	On the making of a winding-up order on or after 13th July 1982, for the performance by the Official Receiver of his general duties as Official Receiver and in addition to any other fee payable hereunder	222.00
8	Where a winding-up order is made:	
	(1) On the payments made by the Official Receiver into the Insolvency Services Account (after deducting any sums on which fees are payable under Feed Nos. 9 and 10 and any sums spent in carrying on the business of the company) a fee in accordance with the following scale—	
	(i) on the first £5,000 or fraction thereof ..... per cent.	20.00
	(ii) on the next £5,000 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
	(2) On the amount distributed in dividends or paid to preferential creditors and contributories by the Official Receiver—	
	half of the percentage prescribed in paragraph (1) above, calculated on the amount so distributed.	
9	On the payments made by the Official Receiver into the Insolvency Services Account from the realisation of property for secured creditors (other than holders of floating charges)—	
	the scale fees calculated under Fee No. 8(1) on that amount.	

No. of Fee	Description of Proceeding	Amount £
10	On the payments made by the Official Receiver into the Insolvency Services Account from the realisation of property for holders of floating charges— the scale fees calculated under Fee No. 8(1) and (2) on that amount.	
11	For travelling, keeping possession, legal costs and other reasonable expenses of the Official Receiver— the amount disbursed.	
12	Where the Official Receiver as liquidator on or after 13th July 1982 at the request of a secured creditor or a receiver appointed by him, transfers or conveys property subject to any charge created thereon by the company— on the sale price of the property ..... per cent.	0.50 Minimum fee 100.00
13	(1) For all official stationery, printing, postage and telephones, including notices to creditors and contributories of meetings and sittings of the court and room hire—	
	(a) for a number of members and creditors not exceeding 25	117.00
	(b) for every additional 10 members and creditors or part thereof	34.00
	This fee does not include the charge made by the Official Receiver or liquidator calling a meeting of creditors or contributories, for which provision is made in Rule 132 of the Companies (Winding-up) Rules 1949.	
	(2) Where the winding-up order is made on or after 18th August 1980—	
	on the insertion in the *London Gazette* of a notice relating to a company which is being wound up by the court	14.50
	(3) Where the winding up order was made before 1st January 1980—	
	to cover all further insertions needed in the *London Gazette* after that date	12.00
14	On each dividend payable order issued by the Department.	0.10
15	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 (Department of Trade) Fees Order 1980. It increases certain fees taken by the Department of Trade and Industry in proceedings for the winding-up of companies.

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