

1969 No. 519 (L.7)
COMPANIES
WINDING-UP
The Companies (Board of Trade) Fees Order 1969

| | |
|------------------------------|-----------------------|
| <i>Made - - - -</i> | <i>1st April 1969</i> |
| <i>Coming into Operation</i> | <i>1st May 1969</i> |

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 (Board of Trade) Fees Order 1969 and shall come into operation on 1st May 1969.

(2) The Companies (Board of Trade) Fees Order 1929(c), (in this Order referred to as “the 1929 Order”), the Companies (Board of Trade) Fees Order 1930(d), the Companies (Board of Trade) Fees Order 1949(e), the Companies (Board of Trade) Fees Order 1952(f) and the Companies (Board of Trade) Fees Order 1963(g) are hereby revoked.

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 Tables A and B in the Schedule to this Order.

3. 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 Official Receiver satisfies the Board of Trade that the fees in the said Table B would be excessive, such reduction may be made in the said fees as may, on the application of the Board of Trade, be sanctioned by the Treasury.

4.—(1) The fees set out in Table A shall be taken by adhesive or impressed stamps.

(2) The fees and percentages set out in Table B shall be taken in cash.

(a) 1948 c. 38.

(b) 1879 c. 58.

(c) S.R. & O. 1929/831 (Rev. IV, p. 749:1929, p. 352).

(d) S.R. & O. 1930/1064 (Rev. IV, p. 749:1930, p. 287).

(e) S.I. 1949/850 (1949 I, p. 930).

(f) S.I. 1952/2117 (1952 I, p. 624).

(g) S.I. 1963/467 (1963 I, p. 529).

5.—(1) An impressed stamp denoting payment of a fee shall be an impressed judicature fee stamp and the party presenting the document for stamping shall inform the stamping officer, by means of an indication on the document or otherwise, that the fee relates to a proceeding for or in the winding-up of a company.

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

6.—(1) In any case where, on the coming into operation of this Order, any audit has become due or has taken place, but where the statement of affairs has not yet been lodged, a fee equal to Fee No. II(b) (2) of Table B of the 1929 Order shall be charged on the lodgment of the statement of affairs.

(2) In any case where, on the coming into operation of this Order, any sum has already been charged in respect of Fee No. II(b) (2) of Table B of the 1929 Order, or where a fee is charged under the last foregoing sub-paragraph, the amount thereof shall be deducted from any sum payable in respect of Fee No. 2(2) (ii) of Table B of this Order.

Dated 31st March 1969.

Gardiner, C.

Dated 1st April 1969.

*Joseph Harper,
J. McCann,*
Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE
TABLES OF FEES
TABLE A.

| Description of Proceeding | Amount |
|---|---------|
| | £ s. d. |
| 1. On an application to the Board of Trade for a special bank account ... | 3 0 0 |
| 2. On an order of the Board of Trade for a special bank account ... | 5 0 0 |
| 3. On an application by a liquidator to an Official Receiver acting as a committee of inspection | 2 0 0 |
| 4. On an application to the Board of Trade— | |
| (i) under section 15 of the Companies (Winding Up) Act 1890(a), section 224 of the Companies (Consolidation) Act 1908(b), section 285 of the Companies Act 1929(c) or section 343 of the Companies Act 1948(d) for payment of money out of the Companies Liquidation Account or | |
| (ii) for the re-issue of a lapsed cheque, money order or payable order in respect of moneys standing to the credit of that account— | |
| (a) where the amount applied for does not exceed £5 | 2 6 |
| (b) where the amount applied for exceeds £5 | 5 0 |
| 5. On a bond | 1 0 0 |
| 6. On an affidavit other than a proof of debts | 5 0 |
| 7. On the insertion in the <i>London Gazette</i> of a notice relating to a company which is being wound up by the court | 10 0 |

TABLE B

| Description of Proceeding | Amount |
|---|---------|
| | £ s. d. |
| 1. On the audit of the Official Receiver's or liquidator's accounts by the Board of Trade, 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 £5,000... .. | 3 0 0 |
| (ii) on every further £100 or fraction of £100 up to £100,000 ... | 2 0 0 |
| (iii) on every further £100 or fraction of £100 up to £500,000 ... | 1 0 0 |
| (iv) on every further £100 or fraction of £100 up to £1,000,000 ... | 10 0 |
| (v) on every further £100 on excess of £1,000,000 | 5 0 |

(a) 1890 c. 63.
(c) 1929 c. 23.

(b) 1908 c. 69.
(d) 1948 c. 38.

TABLE B—continued

| Description of Proceeding | Amount | | |
|--|---------------|----|------|
| | £ | s. | d. |
| 2. 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 summoning of 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, in respect of the services of the Official Receiver as provisional liquidator; | | | |
| (2) where a winding-up order is made, but the Official Receiver is not continued as liquidator after the statutory meetings of creditors and contributories— | | | |
| (i) for all official stationery, printing, postage and telephones (except trunk calls)— | | | |
| (a) for a number of members and creditors not exceeding 20 | 11 | 0 | 0 |
| (b) for a number exceeding 20 but not exceeding 30 | ... | 15 | 0 0 |
| (c) for every additional 10 members or creditors or part thereof | | 3 | 10 0 |
| Provided that where the net assets of the company, including uncalled capital, are estimated in the statement of affairs not to exceed £500, three-fifths only of the above fee shall be taken. | | | |
| (ii) at the due date for audit of the accounts of a liquidator, other than the Official Receiver, on the net assets (including produce of calls on contributories) realised or 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 £100,000 or fraction thereof | per cent. ... | 3 | 0 0 |
| (b) on the next £150,000 or fraction thereof | per cent. ... | 2 | 0 0 |
| (c) on all further sums | per cent. ... | 1 | 0 0 |
| 3. Where the Official Receiver acts as liquidator of the company and a special manager is appointed (to include the Official Receiver's services as provisional liquidator):— | | | |
| such amount as the court, on the application of the Official Receiver, with the sanction of the Board of Trade, may consider reasonable. | | | |
| 4. In all other cases where the Official Receiver acts as liquidator of the company (to include his services as provisional liquidator)— | | | |
| (1) for all official stationery, printing, postage and telephones (except trunk calls)— | | | |
| (i) for a number of members and creditors not exceeding 20 | ... | 16 | 10 0 |
| (ii) for every additional 10 members or creditors or part thereof: | | 5 | 10 0 |
| Provided that where the net assets of the company, including uncalled capital, do not exceed £500, three-fifths only of the above fee shall be taken. | | | |

TABLE B—continued

| Description of Proceeding | Amount |
|--|----------------------|
| | £ s. d. |
| 4. (2) On the net assets, including produce of calls on contributories, (cont) realised or brought to credit by the Official Receiver, after deducting the sums on which amounts are payable under Fee No. 5 of this Table, and the sums spent out of the money received in carrying on the business of the company— | |
| (i) on the first £2,500 or fraction thereof | per cent. ... 12 0 0 |
| (ii) on the next £7,500 or fraction thereof | per cent. ... 8 0 0 |
| (iii) on the next £90,000 or fraction thereof | per cent. ... 4 0 0 |
| (iv) on all further sums | per cent. ... 2 0 0 |
| (3) On the sum distributed in dividends or paid to contributories, preferential creditors and debenture holders by the Official Receiver, half the amount prescribed for that sum in paragraph (2) of this Fee. | |
| 5. Where the Official Receiver collects calls or realises property for debenture holders:—the amounts payable under Fee No. 4 (2) and (3) of this Table, to be paid out of the proceeds of such calls or property. | |
| 6. Where the Official Receiver realises property for secured creditors other than debenture holders:—the amounts payable under Fee No. 4(2) of this Table, to be paid out of the proceeds of such property. | |
| 7. Where the Official Receiver collects calls or realises property as liquidator under section 239(e) of the Companies Act 1948—the amounts payable under Fee No. 4(2) and (3) of this Order. | |
| 8. For travelling, keeping possession, legal costs and other reasonable expenses of the Official Receiver, the amount disbursed. | |
| 9. 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, on each pound or fraction of a pound— | |
| (1) where the money consists of unclaimed dividends, of each dividend paid out | 0 0 3 |
| (2) where the money consists of undistributed funds or balances— | |
| (i) of the first £5,000 | 0 0 3 |
| (ii) of all further sums | 0 0 ½ |
| 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 Board of Trade under paragraph (2) of this Fee shall be disregarded in calculating that amount. | |
| 10. Where the Official Receiver performs any duty not provided for in the foregoing Tables:— | |
| such amount as the court, on the application of the Official Receiver, with the sanction of the Board of Trade, may consider reasonable. | |

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order replaces the Companies (Board of Trade) Fees Order 1929 and increases fees taken by the Board of Trade in proceedings for the winding-up of companies.