

1978 No. 1654

COMPANIES

WINDING-UP

**The Companies (Department of Trade) Fees
(Amendment No. 3) Order 1978**

Made - - - - - 9th November 1978

Coming into Operation 1st December 1978

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 (Amendment No. 3) Order 1978 and shall come into operation on 1st December 1978.

(2) The Interpretation Act 1978(c) shall apply to the interpretation of this Order as it applies to subordinate legislation made after the commencement of that Act.

2. The Companies (Department of Trade) Fees Order 1975(d) as amended(e), shall have effect subject to the following further amendments:—

(1) In Fee No. 1 in the Schedule to that Order for the figure “£5.00” there shall be substituted the figure “£10.00”.

(2) In Fee No. 2 for the figure “£10.00” there shall be substituted the figure “£20.00”.

(3) For Fee No. 3 there shall be substituted the following Fee:—

“3. On an application to the Secretary of State 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 for payment of money out of the Insolvency Services Account or for the re-issue of a cheque, money order or payable order in respect of money standing to the credit of that account £1.00”.

(a) 1948 c. 38.

(b) 1879 c. 58.

(c) 1978 c. 30.

(d) S.I. 1975/1351.

(e) The relevant amending instruments are S.I. 1978/569, 705.

- (4) In Fee No. 4 for the words "Companies Liquidation Account" in each place in which they occur there shall be substituted the words "Insolvency Services Account".
- (5) In Fee No. 7 for paragraph (d) there shall be substituted the following:—
 "(d) on the next £4,000,000 or fraction thereof per cent 2.00
 (e) on all further sums per cent 1.00"
- (6) For Fee No. 8 there shall be substituted the following Fee:—
 "8. In respect of each item of business contained in an application by a liquidator to the Secretary of State or to an Official Receiver acting as a committee of inspection £15.00".
- (7) For Fee No. 10 there shall be substituted the following Fee:—
 "10. Where the Official Receiver acts as provisional liquidator under section 238 of the Companies Act 1948 such amount as the court may consider reasonable to be paid by the petitioner or by the company as the court may direct".
- (8) For Fee No. 11 there shall be substituted the following Fee:—
 "11. Where a winding-up order is made:—
 (1) 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
 (2) 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 (1) above".
- (9) In Fee No. 12 for the words "Fee No. 11(2)" there shall be substituted the words "Fee No. 11(1)".
- (10) In Fees No. 13 and 14 for the words "Fee No. 11(2) and (3)" there shall be substituted the words "Fee No. 11(1) and (2)".
- (11) At the end of the Schedule there shall be added the following new Fee:—
 "17. Where a winding-up order is made, for all official stationery, printing, postage and telephones—
 (i) for a number of members and creditors not exceeding
 25 £60.00

- (ii) for every additional 10 members or creditors or part thereof £18.00

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(a)."

Dated 9th November 1978.

Elwyn-Jones, C.

J. Dormand,

A. W. Stallard,

Dated 9th November 1978.

Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which further amends the Companies (Department of Trade) Fees Order 1975, increases certain fees taken by the Department of Trade in proceedings for the winding-up of companies.

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