
STATUTORY INSTRUMENTS

1978 No. 543**COMPANIES****The Companies (Winding-up) (Amendment) Rules 1978**

<i>Made - - - -</i>	<i>5th April 1978</i>
<i>Laid before Parliament</i>	<i>14th April 1978</i>
<i>Coming into Operation</i>	<i>2nd May 1978</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 365(1) of the Companies Act 1948(a), with the concurrence of the Secretary of State for Trade, and after consulting the Committee appointed under section 10 of the Insolvency Act 1976(b), hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Companies (Winding-up) (Amendment) Rules 1978 and shall come into operation on 2nd May 1978.

(2) The amendments set out in these Rules shall be made to the Companies (Winding-up) Rules 1949(c), as amended(d).

2. In rule 132 for paragraph (3) there shall be substituted the following paragraph:—

“(3) Where the number of creditors or contributories to whom notice is required to be sent does not exceed 25, the costs shall be £25, and for every addition of 10 such creditors or contributories or part thereof there shall be added £7.50; but the costs in respect of an adjourned meeting shall be calculated at half of this rate.”

3. In rule 195, for the proviso to paragraph (2) there shall be substituted the following proviso:—

“Provided that the costs, charges and expenses of any person employed by an Official Receiver or liquidator may, if they are within the scale usually allowed by the Court and do not exceed the sum of £100, be paid and allowed by the Official Receiver or liquidator, as the case may be, without taxation; so, however, that the Secretary of State may

(a) 1948 c. 38.

(b) 1976 c. 60.

(c) S.I. 1949/330.

(d) The relevant amending instruments are S.I. 1957/973, 1972/1404.

require such costs, charges and expenses to be taxed by the Taxing Officer.”

Elwyn-Jones, C.

Dated 30th March 1978.

I concur,

Edmund Dell,

Secretary of State for Trade.

Dated 5th April 1978.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Companies (Winding-up) Rules 1949 as follows:—

- (i) rule 2 increases the costs allowed in connection with creditors' and contributories' meetings, and
- (ii) rule 3 allows the Official Receiver or liquidator to pay and allow certain costs, charges and expenses not exceeding £100 and which are within the scale usually allowed by the Court without taxation unless the Secretary of State otherwise requires.

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