
STATUTORY INSTRUMENTS

1992 No. 2876

COMPANIES

The Companies (Fees) (Amendment) Regulations 1992

Approved by Parliament

Made - - - - 17th November 1992

Laid before Parliament 19th November 1992

Coming into force - - 1st January 1993

The Secretary of State, in exercise of the powers conferred on him by section 708 of the Companies Act 1985(1) hereby makes the following Regulations:

1. These Regulations may be cited as the Companies (Fees) (Amendment) Regulations 1992, and shall come into force on the 1st January 1993.

2. In these Regulations, “the 1991 Regulations” means the Companies (Fees) Regulations 1991(2).

3. Regulation 2 of the 1991 Regulations shall be amended in the following manner:—

(a) For the definition of “the 1985 Act” there shall be substituted:

““the 1985 Act” means the Companies Act 1985, and any reference to a numbered section or Schedule is a reference to a section of or a Schedule to that Act;”

(b) For the definition of “basic set of microfiche copies”, there shall be substituted:

““basic set of microfiche copies” means a set of copies of the records relating to one branch or undertaking kept by the registrar of companies in the form of microfiche copies, other than copies of excluded documents and lists of members consisting of more than 10 pages;”.

(c) The following definition shall be inserted after the definition of “basic set of microfiche copies”:

““branch” means a particular branch of an overseas company registered by that company under paragraph 1 Schedule 21A(3);”

(d) For the definitions of “excluded annual returns” and “excluded accounts” there shall be substituted:

(1) 1985 c. 6, a relevant amending instrument being the Oversea Companies and Credit and Financial Institutions (Branch Disclosure) Regulations 1992, S.I. 1992/3179.

(2) S.I. 1206/1991.

(3) Schedules 21A to 21D are inserted into the 1985 Act by Schedules 1 and 2 (paragraphs 3, 5 and 18) of S.I. 1992/3179.

““excluded documents” means any copy accounts, annual returns or copy annual returns other than the last three copy accounts, annual returns or copy annual returns received by the registrar of companies in respect of a branch or an undertaking;”.

- (e) After the words “under section 714” in the definition of “the index”, the following shall be inserted:

“; and

“undertaking” means an undertaking as defined in section 259(1)⁽⁴⁾,

and the word “and” shall be deleted at the end of the definition of “on-line request”.

4. The Schedule to the 1991 Regulations is amended in the following manner:—

- (a) After entry 1, insert:

“1A. For registration of particulars required by section 691 or paragraph 1 of Schedule 21A in respect of the establishment of a place of business or a branch of an overseas company	£50.00”.
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- (b) In entry 2, in the first column, for “of an overseas company” substitute “delivered under Chapter II of Part XXIII (other than at the same time as the registration of a branch under paragraph 1 of Schedule 21A)”.

- (c) After entry 3, insert:

“3A. For registration or re-registration pursuant to section 694 of a name under which an overseas company proposes to carry on business in Great Britain	£50.00”.
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- (d) In entries 5, 10, 12, 13 and 14, in the first column, for “a company” substitute “a branch or an undertaking” and in entries 7, 8, 12(a) (twice) and 16 (twice), in the first column, for “company” substitute “branch or undertaking”.

- (e) In entries 5 and 10, in the first column, for “excluded annual returns and excluded accounts” substitute “excluded documents”.

- (f) After entry 16 insert:

“16A. For inspection on a computer terminal of the registrar of particulars registered in respect of a branch	£1.00
16B. For paper copies of particulars registered in respect of a branch	50p per screen of information on a computer terminal”.

- 5.—(1) The fee prescribed in entry 1A of the Schedule to the 1991 Regulations (as inserted by regulation 4(a) above) shall not be payable in respect of the registration of a branch of an overseas company under paragraph 1 of Schedule 21A to the Companies Act 1985 where:

- (a) the particulars required by paragraph 1 have been delivered to the registrar prior to 1 July 1993; and

(4) Section 259 was inserted into the 1985 Act by section 22 of the Companies Act 1989 c. 40.

(b) that company was registered in the same part of Great Britain immediately prior to 1 January 1993.

(2) For the purpose of paragraph (1)(b) above, an overseas company is a registered company if it has duly delivered documents under section 691 to the registrar for that part of Great Britain in which it has established its place of business, and has not given notice to him under section 696(4) that it has ceased to have an established place of business in that part of Great Britain.

17th November 1992

Neil Hamilton
Parliamentary Under-Secretary of State for
Corporate Affairs,
Department of Trade and Industry

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Companies (Fees) Regulations 1991, following amendments to the Companies Act 1985 to be introduced by the Oversea Companies and Credit and Financial Institutions (Branch Disclosure) Regulations 1992 (S.I.1992/3179), which create a new regime for the registration of branches of overseas companies. The amendments to these Regulations will take effect from 1st January 1993 which is at the same time as the amendments to the 1985 Act introduced by S.I. 1992/3179.

Regulation 3 makes a number of amendments to the definitions in the 1991 Regulations. The purpose of the amendments is to take account of the fact that, as a result of the 1992 Regulations, the registrar of companies will be receiving and recording, under the Companies Acts, documents and particulars relating to particular branches of overseas companies and to entities which are undertakings but not necessarily companies (for example partnerships).

Regulation 4 amends the Schedule to the 1991 Regulations by introducing certain new fees payable in respect of overseas companies and (by use of the new definitions introduced by regulation 2) extends existing fees so as to cover branches and undertakings.

A new fee of £50.00 in respect of registering a place of business or a branch on an overseas company is introduced. No fee shall be payable, however, in respect of the registration of a branch of an overseas company prior to 1st July 1993 where that company had a place of business registered in the same part of Great Britain immediately prior to 1st January 1993 (*Regulation 5*).

A new fee of £50.00 is also prescribed in respect of registration or re-registration of a name under which an overseas company proposes carrying on business in Great Britain.

Given the new register of branches of overseas companies will be kept in computerised form, for inspection of information on the register of a branch of an overseas company via the registrar's computer a new fee of £1.00 is payable. For obtaining paper copies of information obtained from such an inquiry, a further fee of 50p per screen of information is payable.

The existing Schedule of fees prescribed in respect of searching and obtaining information about a company is amended to include branches of an overseas company and undertakings in general. The fee for registration of the accounts of an overseas company is consequentially amended so as to extend to any accounts registered by a company or other undertaking under Part II of Chapter XXIII of the Companies Act 1985.