
 STATUTORY INSTRUMENTS

1981 No. 788

COMPANIES

The Companies (Winding-Up) (Amendment) Rules 1981

<i>Made - - - -</i>	18th May 1981
<i>Laid before Parliament</i>	3rd June 1981
<i>Coming into Operation</i>	1st July 1981

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. These Rules may be cited as the Companies (Winding-up) (Amendment) Rules 1981 and shall come into operation on 1st July 1981.

2. The Companies (Winding-up) Rules 1949(c) shall be amended by substituting the following paragraph for paragraph (2) of Rule 195:

“(2) No payments in respect of bills of costs, charges or expenses of solicitors, managers, accountants, auctioneers, brokers or other persons shall be allowed out of the assets of the company unless they have been duly taxed and allowed by the Taxing Officer, except

(a) payment of costs, charges or expenses fixed or allowed by the Court under the Act or the Rules, or sanctioned by the Official Receiver under Rule 56;

(b) payments which the Committee of Inspection authorise the liquidator to pay on account of costs, charges and expenses (including Counsel's fees) incurred by solicitors, whose appointment to assist the liquidator in the performance of his duties has been duly sanctioned, such payments not to exceed in total 80 per cent of the minimum amount which the solicitors certify in writing to the liquidator that they expect to result from the taxation of their bill of costs under this Rule: Provided that before any payments are made, the solicitors shall undertake to the liquidator unconditionally:

(i) without prejudice to any request served by the Official Receiver or liquidator under Rule 183 to lodge their bill of costs for taxation with all due despatch;

(ii) to repay forthwith the sum if any, by which the amount allowed on taxation is exceeded by the total of the payments made to them on account together with interest at the rate applicable from time to time on judgment debts calculated from the date of overpayment to the date of repayment.

The Taxing Officer shall, before passing the bill of costs, charges or expenses of a solicitor satisfy himself that the appointment of a solicitor to assist

(a) 1948 c. 38.

(b) 1976 c. 60.

(c) S.I. 1949/330.

the liquidator in the performance of his duties has been duly sanctioned: 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 require such costs, charges and expenses to be taxed by the Taxing Officer."

Dated 8th May 1981.

Hailsham of St. Marylebone, C.

I concur,

Dated 18th May 1981.

John Biffen,
Secretary of State for Trade.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules add provision to Rule 195(2) to enable payments on account of costs to be made to Solicitors before taxation in winding-up proceedings.

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