

1984. No. 167

COMPANIES

**The Companies (Winding-up) (Fees) Regulations
(Northern Ireland) 1984**

Made 23rd May 1984
Coming into operation 1st July 1984

The Department of Economic Development, in exercise of the powers conferred by section 317(a) of the Companies Act (Northern Ireland) 1960(b) and now vested in it(c) and of every other power enabling it in that behalf, with the concurrence of the Department of Finance and Personnel(d) as to fees hereby makes the following Regulations:

Citation and commencement

1. These regulations may be cited as the Companies (Winding-up) (Fees) Regulations (Northern Ireland) 1984 and shall come into operation on 1st July 1984.

Fees

2.—(1) The fees to be taken in respect of the proceedings and matters specified in the second column of the Schedule shall be those specified in the third column of the Schedule.

(2) Where proceedings and matters specified in the second column of the Schedule attract Value Added Tax the sums payable as fees in respect of those proceedings shall be increased by 15 per cent. Value Added Tax.

Manner of payment

3. There shall be paid out of the funds standing to the credit of any estate in the Insolvency Account the amount of any fees payable under these regulations in respect of that estate.

Sealed with the Official Seal of the Department of Economic Development for Northern Ireland on 23rd May 1984.

(L.S.)

W. T. McCrory

Assistant Secretary

The Department of Finance and Personnel hereby concurs with the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 23rd May 1984.

(L.S.)

J. M. Dowdall

Assistant Secretary

(a) As substituted by 1978/1042 (N.I. 12) Art. 96
 (b) 1960 c. 22 (N.I.)
 (c) By S.I. 1982/846 (N.I. 11) Art. 4
 (d) See S.I. 1982/338 (N.I. 6) Art. 3

SCHEDULE

No. of fee	Description of Proceeding	Amount
		£
1	On the application to the Department under section 308(a) of the Companies Act (Northern Ireland) 1960 for the payment of money out of the Insolvency Account or for the reissue of a cheque, money order or payable order in respect of money standing to the credit of the Insolvency Account ...	3.00
2	<p>On payments of money out of the Insolvency Account under section 308 of the Companies Act (Northern Ireland) 1960</p> <p>(1) Where the money consists of unclaimed dividends on the value of each dividend paid out ...</p> <p>(2) Where money consists of undistributed funds or balances—</p> <p>(i) on the first £50,000 or fraction thereof ...</p> <p>(ii) on all further amounts ...</p> <p>but so that— the total fee payable under this sub-paragraph shall not exceed £7,500.</p>	per cent 1.25 per cent 1.25 per cent 0.75
3	<p>At the date prescribed for liquidators (including the Official Assignee when he is liquidator) to send accounts of their receipts and payments for the immediately preceding six months to the Department under Article 76 of the Companies (Northern Ireland) Order 1978(b) a fee according to the following scale on the amount paid into the Insolvency Account in the said six months (after deducting any sums paid to secured creditors (other than holders of floating charges) in respect of their securities and any sums spent out of money received in carrying on the business of the company)—</p> <p>(a) on the first £50,000 or fraction thereof ...</p> <p>(b) on the next £50,000 or fraction thereof ...</p> <p>(c) on the next £400,000 or fraction thereof ...</p> <p>(d) on the next £500,000 or fraction thereof ...</p> <p>(e) on the next £4,000,000 or fraction thereof ...</p> <p>(f) on all further amounts ...</p>	per cent 10.00 per cent 7.50 per cent 6.50 per cent 3.75 per cent 2.00 per cent 1.00
4	On the making of a winding-up order for the performance by the Official Assignee of his general duties as Official Assignee and in addition to any other fee payable hereunder ...	210.00

(a) As substituted by S.I. 1978/1042 (N.I. 12) Art. 91

(b) S.I. 1978/1042 (N.I. 12)

No. of fee	Description of Proceeding	Amount
		£
5	On an application by a liquidator to the Department to exercise the powers of a Committee of Inspection under section 229A of the Companies Act (Northern Ireland) 1960(a) and Rule 184 of the Companies (Winding-up) Rules (Northern Ireland) 1984(b)— for each separate item therein	18.00
6	Where a winding-up order is made: (1) on the payments made by the Official Assignee into the Insolvency Account (after deducting any sums on which fees are payable under Fees Nos. 7 and 8 and any sums spent in carrying on the business of the company) a fee in accordance with the following scale— (i) on the first £5,000 or fraction thereof ... (ii) on the next £5,000 or fraction thereof ... (iii) on the next £90,000 or fraction thereof ... (iv) on all further amounts ... (2) On the amount distributed in dividends or paid to preferential creditors and contributories by the Official Assignee—	per cent 20.00 per cent 15.00 per cent 10.00 per cent 5.00 half of the percentage prescribed in para- graph (1) above, calculated on the amount so distributed
7	On the payments made by the Official Assignee into the Insolvency Account from the realisation of property for secured creditors (other than holders of floating charges)—	the scale fees calcu- lated under Fee No. 6(1) on that amount
8	On the payments made by the Official Assignee into the Insolvency Account from the realisation of property for holders of floating charges—	the scale fees calcu- lated under Fee No. 6(1) and (2) on that amount

(a) Inserted by S.I. 1978/1042 (N.I. 12) Art. 80

(b) S.R. 1984 No. 163

No. of fee	Description of Proceeding	Amount
9	For travelling, keeping possession, legal costs, and other reasonable expenses of the Official Assignee in respect of each liquidation—	£ the amount disbursed
10	Where the Official Assignee as liquidator at the request of a secured creditor or a receiver appointed by him, transfers or conveys property subject to any charge created thereon by the company— on the sale price of the property ...	per cent 0.50 Minimum fee £100.00
11	(1) For all official stationery, printing, postage and tele- phones including notices to creditors and contributories of meetings and sittings of the court and room hire— (a) for a number of members and creditors not exceed- ing 25 ... (b) for every additional 10 members and creditors or part thereof ... (This fee does not include the charge made by the Official Assignee or liquidator calling a meeting of creditors or contributories, for which provision is made in Rule 115 of the Companies (Winding-up) Rules (Northern Ireland) 1984)	111.00 32.00
12	On each dividend payable order issued by the Depart- ment ...	0.10
13	For taking an affidavit, affirmation or declaration, except proof of debt— (i) for each person making the same ... (ii) for each exhibit or schedule to be marked ...	2.00 0.50

EXPLANATORY NOTE

(This note is not part of the Regulations.)

A new service is being provided by the Official Assignee for company liquidations and these regulations prescribe the fees to be charged by him in relation to the winding up of companies under the Companies Acts (Northern Ireland) 1960 to 1983.