

EXPLANATORY MEMORANDUM TO
THE REGISTRAR OF COMPANIES (FEES) (EUROPEAN ECONOMIC INTEREST
GROUPING AND EUROPEAN PUBLIC LIMITED-LIABILITY COMPANY)
REGULATIONS 2012

2012 No. 1908

1. This explanatory memorandum has been prepared by Companies House, an Executive Agency of the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

These Regulations make new statutory fees to be charged by the Registrar of Companies for document registration functions in respect of a European Economic Interest Grouping (EEIG) and a European Public Limited-Liability Company (SE), and for the dissemination of information in respect of EEIGs.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

4.1 These Regulations introduce a new set of statutory fees under the provision of section 1063(1) to (3) of the Companies Act 2006.

4.2 These Regulations revoke, with savings, existing EEIG and SE fees regulations.

4.3 Separate Statutory Instruments will set fees for, Companies, Overseas Companies and Limited Liability Partnerships.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

• *What is being done and why*

7.1 Companies House (which incorporates the functions of the Registrar of Companies) is a trading fund and must operate on the basis of cost recovery. The fees are linked, as required by European law and HM Treasury guidance, to the forecast cost of providing each service and also to the way in which Companies House customers access them.

7.2 As a result of efficiencies made by Companies House, coupled with high volumes of customers using electronic services, cost savings are being passed on to customers in the form of reduced fees for certain products and services.

7.3 The fees for the following search services are reduced in respect of an EEIG;

- The inspection of a document via a searchroom terminal at a Companies House Information Centre; and
 - The inspection and provision of a copy document by means of Companies House Direct or Extranet services.
- **Consolidation**

7.4 These Regulations replace earlier fees regulations and revoke the following statutory instruments:

- The Registrar of Companies (Fees) (European Economic Interest Grouping and European Public Limited-Liability Company) Regulations 2009 (SI 2009/2403);
- The Registrar of Companies (Fees) (European Economic Interest Grouping) (Amendment) Regulations 2011 (SI 2011/324).

8. Consultation outcome

Companies House has not consulted on the level of fees it charges. As a trading fund it must always recover the full costs for the services it provides without cross subsidising.

9. Guidance

9.1 Customers are made aware of the changes to fees through correspondence and e-mail and via the Companies House web site: www.companieshouse.gov.uk.

9.2 Full details of registration requirements and search services are available on the Companies House web site, as part of customer focus groups and through Companies House information days.

10. Impact

10.1 An EEIG and SE must pay the fees as prescribed in these Regulations when filing relevant documents for registration with the Registrar of Companies, there has been no change to these fees.

10.2 Business, society and charities or voluntary bodies must pay the prescribed fees in respect of the inspection of documents or disclosure of information held by the Registrar of Companies.

10.3 The impact on the public sector is negligible, although public sector bodies are required to purchase information in the same way as other organisations (unless that information is required under a statutory authority).

10.3 An Impact Assessment is attached to this memorandum.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 Small businesses can access search information and benefit from the reduction in fees.

12. Monitoring & review

12.1 The aim of these Regulations is to achieve full cost recovery on the registration and dissemination of EEIG and SE information.

12.2 Companies House regularly reviews the fees it charges and the next review of its fees is scheduled for April 2013.

13. Contact

Mark Buckley at Companies House Tel: 02920 380952 or email:
mbuckley@companieshouse.gov.uk can answer any queries regarding the instrument.