

Fees

889. (1) In respect of the doing of the following (where the provision concerned does not, itself, expressly provide for the payment of a prescribed fee in that behalf), namely—

(a) the registration of a company,

(b) the registration of any notice, return or other document, or

(c) the doing of any other thing that the Registrar is required or authorised by or under this Act to do (whether, at the request or direction of, or on application of any person, or otherwise in the circumstances provided by or under this Act),

regulations may be made by the Minister requiring the payment to the Registrar of a fee, of an amount specified in the regulations, by the person concerned.

(2) The references in subsection (1)(a) and (b) to registration, and the reference in subsection (1)(c) to the doing of any other thing, include a reference to—

(a) a case in which, in accordance with this Act or an instrument thereunder, registration or the doing of the other thing is declined or otherwise not proceeded with by the Registrar, and

(b) a case in which the application or request for registration or the doing of the other thing is withdrawn.

(3) Where a provision of this Act expressly provides for the payment of a prescribed fee in respect of the doing of a thing referred to in subsection (1)(a) or (b), that provision shall be read as imposing liability for payment of the fee notwithstanding that the matter eventuates in a case referred to in subsection (2)(a) or (b).

(4) In subsection (1) “person concerned” means—

(a) in a case where the registration is to be effected or the other thing concerned is to be done by the Registrar at the instance of a person — that person, or

(b) in any other case — the person who is specified in the regulations to be the person concerned for the purpose of that case (and the person so specified may be such person as the Minister reasonably determines to be the person for whom the principal benefit will enure by the thing concerned being done by the Registrar).

(5) Different amounts of fees may be so specified for different classes of case in which a thing falling within any particular paragraph of subsection (1) is done and any such class of case may be defined in the regulations concerned by reference to such matter or matters as the Minister considers reasonable and

appropriate for the purpose.

(6) Without prejudice to the generality of subsection (5), a different amount of fee may be so specified in respect of the doing of a foregoing thing, where the step or steps by another person, in consequence of, or on foot of which, the thing is authorised or required to be done, have not been taken in observance of a time limit specified by or under this Act.

(7) In a case falling within subsection (6), any different amount of fee that is specified may be specified by reference to the period of time that has elapsed between the latest date, in observance of the particular time limit specified by or under this Act, by which the one or more steps concerned ought to have been taken and the date on which they have been taken.

(8) Where regulations under this section require, in respect of the doing of a thing referred to in subsection (1), the payment of a fee of an amount specified in them and the fee of the specified amount is not paid to the Registrar, then, subject to any special cases that the Minister may deem it expedient to provide for in the regulations, the Registrar is not obliged to do (where the Registrar would otherwise be so obliged) the thing concerned.

(9) Subsection (7) is in addition to, and not in derogation from, any particular provision of or under this Act that provides or the effect of which is that a fee of a prescribed amount must be paid to the Registrar as a condition, or one of the conditions, for the Registrar's doing the particular act concerned.

(10) All fees paid to the Registrar in pursuance of this Act shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Public Expenditure and Reform may direct.