

I wish to apply to extend time for Registration of a Charge or to rectify a mis-statement or omission

**(in the Registered Particulars of a Charge or of a
Memorandum of Satisfaction)**

What do I do?

Issued by the Companies Court

Purpose:

This type of application is made under Section 873 of the Companies Act 2006. If a charge has not been registered at Companies House within the required time or the registered particulars of the charge or of a memorandum of satisfaction are incorrect, then you can apply under this section to extend the time to register the charge or to rectify an omission or mis-statement in the particulars.

Who may apply?

The applicant may be either:

- the Company
- an interested person (usually the person to whom the charge was granted).

What forms are required by the Court?

- A completed Claim Form (CPR Part 8) and a Claim for order to extend time, rectify or mis-statement, as appropriate (please see Appendices 'A', 'B' and 'C').
- One copy for service on the Company (where the Applicant is not the company).

Will I have to pay a fee?

There is a fee payable on the Claim Form. Fees can be paid by Solicitor's cheque, cash or postal order. Cheques should be made payable to 'HM Courts & Tribunals Service' or 'HMCTS' and are paid in the Royal Courts of Justice Rolls Building.

For information about fees please call 020 7947 6531.

I have paid my fee. Where do I issue my Claim Form?

You should take it to the Companies Court Counter 3 at the address below, together with a copy of the Claim Form.

The Court Staff will issue your Claim Form, allocate it with an action number and a hearing date before the Registrar.

Can my application be made by post?

Yes. The Claim Form and a copy together with the fee should be sent to the Companies Court at the address below. The Court will issue the Claim Form and return the completed forms to you by post.

Who do I serve the Claim form on?

If the Company is making the application then it is not necessary to serve anyone. If the application is made by an interested person then the Company should be served, by leaving it at, or posting it to the Registered Office of the Company.

When is the Companies Court open?

The Court is open from 10.00 am to 4.30 pm, Mondays to Fridays.

The full address of the Companies Court is:

Companies Court
Rolls Building
7 Rolls Building
Fetter Lane
London EC4A 1NL
Tel: 020 7947 6102
DX 160040 STRAND 4

What evidence will I need?

1. Affidavit or Witness Statement in Support

The evidence must show how the omission or mis-statement occurred, setting out in detail the sequence of events; that the omission to register the charge in time or the omission or mis-statement was:

- accident, or
- due to inadvertence or some other sufficient cause, or
- is not of a nature to prejudice the position of creditors or shareholders, or
- that on some other ground it is just and equitable to grant relief. All the information relating to the omission must be fully set out in the affidavit.

Note: A copy of the charge must be exhibited to the affidavit or attached to the witness statement in support. The original Charge must be produced to the Registrar at the hearing if the application is for an extension of time for registration.

2. Evidence of Solvency

An affidavit must be sworn or a witness statement signed by a Director of the Company or the Company Secretary and should contain the following information:

- that no winding up order has been made against the Company nor has any resolution for voluntary winding up of the Company been passed
- that no winding up petition is pending and no notice of a resolution to wind up the Company has been given nor is one contemplated
- that the Company is continuing to carry on business; that there are no unsatisfied judgments against it and that no creditor is in a position to recover judgment against it.

Note:

- The evidence should be filed in Court no later than two clear working days before the hearing
- If you are unable to file an evidence of solvency the Registrar may make a special form of order to allow for this.

Who can attend at the hearing?

If you are an interested person then you may attend or instruct an advocate. If a Company is making the application then an advocate or a duly authorised employee of the Company if the Court gives permission must attend. The hearing will take place in the Registrar's chambers.

What happens after I have obtained my Order?

The Court will draw up the Order, two copies of which will be sent to you, usually within five working days. The application for registration (Form MG01) and the original Charge should be sent by you to:

Registrar of Companies
Registration Office
Crown Way
Maindy
Cardiff
CF4 3UZ

for the registration to become effective.

For further information see Section 873 of the Companies Act 2006

In the High Court of Justice
Chancery Division
Companies Court

Claim Form (CPR Part 8)

Claim No.

In the Matter of

Ltd/plc

In the Matter of the Companies Act 2006

SEAL

Claimant

[This Company or an interest person]

Defendant(s)

[The Company if the claimant is an interested person]

Defendant's name and address

£

Court fee

Solicitor's costs

Issue date

The court office at the Royal Courts of Justice Rolls Building is open between 10 am and 4.30 pm Monday to Friday. When corresponding with the court please address forms or letters to the Court Manager and quote the claim number.

Appendix A
Claim for an Order Extending Time
for Registering a Charge

Claim No.

Let the Claimant [and the Defendant] attend the Registrar on

Date

Time

Place Companies Court
Rolls Building
7 Rolls Building
Fetter Lane
London EC4A 1NL

on the hearing of an application by

of

..... [address and description]

for an Order pursuant to Section 873(2) of the above-mentioned Act that the time for registration in the manner required by Section [860 or 862] of the said Act of a [Legal Charge] dated 200 and made between of the one part and of the other part of certain land and property known as [describe the property] to secure repayment of [the sum of £ and interest thereon at the rate of £ per cent [per annum] be extended to [21] days from the date of the Order to be made hereon on the grounds that the omission to register such [legal charge] [was due to inadvertence or was accidental or is not of a nature to prejudice the position of the creditors or shareholders of the above-named [name of company] or it is just and equitable to grant relief].

Statement of Truth

* (I believe)(The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement

Full name

Name of claimant's solicitor's firm

Signed Position or office held

(if signing on behalf of firm or company)

•(Claimant)(Litigation friend)(Claimant's solicitor)

• Delete as appropriate

Claimant's or claimant's solicitor's address to which documents should be sent if different from the claim.

If you are prepared to accept service by DX, fax or e-mail, please add details.

Appendix B

Claim for an Order Rectifying Omission or Mis-statement in Particulars of Charge

Claim No.

Let the Claimant [and the Defendant] attend the Registrar on

Date

Time

Place Companies Court
Rolls Building
7 Rolls Building
Fetter Lane
London EC4A 1NL

on the hearing of an application by[name of claimant]

of

.....[address and description]

for an Order pursuant to Section 873(2) of the above-mentioned Act that the mis-statement contained in the Particulars of the [Debenture (give particulars of debenture) registered with the Registrar of Companies on 200] be rectified by substituting the figure of £ [] (being the amount secured by the Debenture for the figure of £ [] on the grounds that the mis-statement made in the said Particulars [was due to inadvertence or was accidental or is not of a nature to prejudice the position of the creditors or shareholders of the above named [name of company] or it is just and equitable to grant relief].

Statement of Truth

* (I believe)(The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement

Full name

Name of claimant's solicitor's firm

Signed Position or office held

(if signing on behalf of firm or company)

•(Claimant)(Litigation friend)(Claimant's solicitor)

• Delete as appropriate

Claimant's or claimant's solicitor's address to which documents should be sent if different from the claim.

If you are prepared to accept service by DX, fax or e-mail, please add details.

Appendix C

Claim for an Order Rectifying Omission or Mis-statement in Memorandum of Satisfaction

Claim No.

Let the Claimant [and the Defendant] attend the Registrar on

Date

Time

Place Companies Court
Rolls Building
7 Rolls Building
Fetter Lane
London EC4A 1NL

on the hearing of an application by[name of claimant]

of

.....[address and description]

for an Order pursuant to Section 873(2) of the above-mentioned Act that the mis-statement contained in the Memorandum of Satisfaction on 200] be rectified by inserting 200 as the date of the [Legal Charge] in respect of which the said Memorandum was filed and by substituting200 as the date on which the prescribed Particulars of the said [Legal Charge] dated200 were delivered to the Registrar of Companies on the grounds [that the mis-statements made in the said Memorandum [were due to inadvertence or were accidental or were not of a nature to prejudice the position of the creditors or shareholders of the above named [name of company] or it is just and equitable to grant relief]

Statement of Truth

* (I believe)(The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement

Full name

Name of claimant's solicitor's firm

Signed Position or office held

(if signing on behalf of firm or company)

•(Claimant)(Litigation friend)(Claimant's solicitor)

• Delete as appropriate

Claimant's or claimant's solicitor's address to which documents should be sent if different from the claim.

If you are prepared to accept service by DX, fax or e-mail, please add details.