



[www.formationsdirect.com](http://www.formationsdirect.com)

0800 085 45 05

Dear enquirer

## COMPANY RESTORATION

Thank you for your enquiry into our restoration service.

The vast majority of cases are straightforward and the fees below will apply. In the event that difficulties are encountered eg 3<sup>rd</sup> party opposition, extra costs may be incurred, but if they exceed £30 we will not proceed without your permission. Please note that fees exclude VAT where applicable.

Item	Price	
Full Restoration	£399	Note 1, Note 3
Administrative Restoration	£299	Note 2

Note 1 : Add court fees, treasury solicitor fees and legal fees totalling of £655 plus partial VAT of £94.80. The total amount payable is therefore £1,148.80. If the registered office is in Cornwall or Lancashire add Duchy fee of £150+VAT. Please be aware that if after the company is restored it wishes to continue trading late filing penalties levied by Companies House will be payable **after** the restoration is complete.

Note 2 : Add Companies House fee of £100 and bona vacantia fees of £64 and partial VAT of £59.80. The total amount payable is £522.80. If the registered office is in Lancashire or Cornwall replace the £64 fee with a fee of £150+VAT. In all cases add late filing penalties and annual return fees levied by Companies House which are payable **as part of** the administrative restoration procedure.

Note 3 : In some circumstances for a full restoration we can make a personal court attendance which may speed the process up by several weeks. There is an extra fee of £425 plus VAT for this service and we will attend as many times as is necessary up to 4 visits until the restoration is complete.

As soon as we receive the application form and the money laundering compliance form we can open a file and commence work on your restoration. **Please include payment with the application.**

If you have any queries please do not hesitate to contact our dedicated restoration team on 0161 798 2110.

Yours faithfully

Mike Guttentag FCCA  
Restoration team leader



## Company restoration FAQ

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### Who can apply to restore a struck off or dissolved company?

A director or member (shareholder) of a struck off or dissolved company or a creditor of a struck off or dissolved company can apply for a company restoration within 6 years of a company dissolution (longer in certain cases) to restore a struck off company to the register. For administrative restoration a company's director may submit the application. If the dissolution was voluntary (not struck off the register by Companies House) any of the people who made the original application to dissolve the company may apply.

### Why was my company struck off?

Either it was requested by the directors or the Registrar of Companies had reasonable grounds to believe that the company was no longer carrying on in business. Failure to submit an annual return is a common reason for strike-off.

### What happens to my business now?

The cash and assets of the company transfer to The Crown or Duchy of Lancaster / Cornwall and effectively the business has been terminated and cannot continue to trade legally. If trading continues prior to restoration the directors are personally liable as there is no longer a company through which to conduct trade. After restoration it is as if the company had never been struck off. The repercussions of trading in the name of a dissolved company can be far-reaching.

### My bank account is frozen - how do I get my money?

You need to apply to have the company restored if the cash exceeds £3,000 and you wish to recover it all. For recovery of up to £3,000 an ex-gratia payment permission may be obtained from The Crown.

### I am trying to sell a property - how do I proceed?

You will need to apply to restore the company, either to continue trading or for the purpose of the property disposal only. You may need to give undertakings at the behest of the court.

### Do I need to go to court to restore my company?

You do not need to appear personally in the vast majority of cases but for a full company restoration it is necessary to apply to the courts for permission. Administrative restorations and ex-gratia payments do not involve the courts.

### Do I require a solicitor to restore my company?

A full company restoration will usually require the input of a solicitor, which is part of the service offered by us.

### **How long will it take to restore my company?**

Typically it takes around 4 months for a full company restoration and 2 - 4 weeks for an administrative restoration , but these timescales are for guidance only. These timescales are dependent on having accounts and annual returns up to date and accepted by Companies House. In some circumstances we can make a personal court attendance which may speed the process up by several weeks. There is an extra fee of £425 plus VAT for this service.

### **Do I need to file accounts to restore my company?**

Only if a company is to continue trading.

### **Can I set up a new company with the same name as the struck-off company?**

Yes, if the name is still available.

### **I want to strike off my company - what do I do?**

Complete the relevant application form (DS01) at Companies House . Please be aware that this is involves a declaration that the company has no creditors.

### **I struck my company off by mistake - can I restore it?**

Yes. If the company was still trading at the time of strike-off you can apply for an administrative restoration. If it was not trading it will require a full restoration.

### **Somebody has used the name of my struck-off company - can I get it back?**

If the name is no longer available you will need to use another name going forward.

### **What does "bona vacantia" mean?**

Bona vacantia means that an asset is without ownership. In the case of a company it means that the assets pass to the Crown (or Duchies of Lancaster / Cornwall as appropriate depending on situation of registered office)

### **Is there a time limit for restoring a company?**

For Companies struck off before 1st October 2009 the time limit is the earlier of 20 years from the date of the strike off and 30<sup>th</sup> September 2015. For Companies struck off after 1st October 2009 the time limit is 6 years. In certain circumstances, for example a personal injury claim, the time frame may be longer. For administrative restorations the maximum time limit is 6 years.

### **How do I commence the company restoration procedure?**

Please complete the application form and send it to us then we can commence the application.

**IMPORTANT NOTE: It is not possible to jump the queue - beware of companies making false promises with money-back guarantees.**



Formations Direct Limited

APPLICATION FOR A COURT RESTORATION TO THE REGISTER

*If you email this form to us, we can open a file and schedule your case but we will require a signed version and payment prior to any substantive work being carried out*

Please complete the following questions to the best of your ability. If you are unsure of any matters please make it clear rather than guessing, as this may prejudice the application or delay it at a later stage. If there is not enough space to answer clearly next to the question please list on a separate sheet of paper indicating which question you are referring to.

1. Name of the Company that has been dissolved

2. Company number

3. Registered office address

4. Name and residential address of the director/shareholder (or creditor of the company, please state which) who is applying for the restoration.

5. Please provide details of the issued share capital and names and addresses of all existing members (shareholders) of the company, showing their holdings in the company.

6. Names and addresses of all existing directors and secretaries.

7. Will the Company be shown as solvent on its last accounts? If not, state how the deficit is to be made good. For example if it is arising because of director's loan accounts is the director prepared to give an undertaking to the court not to call in the loan until such time as the Company is solvent and able to pay its debts?

8. Confirm whether or not the Company was trading and in operation at the date of striking off.

9.State the nature of the business carried on by the company at the time it was struck off the register, or if it was dormant or had stopped trading, what was its previous business (if any).

10. Please state how and why the Company was dissolved.

11.a) Does the company intend to continue trading after restoration?

b) If not and the purpose of the application is solely in order to release the company's assets please provide full details of such assets (examples include bank account, property, patents). Please also further confirm that if the application is to proceed, once these assets have been recovered the company will then be struck off again voluntarily.

**Applicant Details**

Name

Customer Number (If Known) With Formations Direct

Address

Tel

Email

I /we hereby instruct Formations Direct Limited to apply to the Treasury Solicitor and Companies House to restore the above-named company to the Register on my / our behalf, and agree to the terms and conditions of Formations Direct Ltd.

I note that Formations Direct Ltd are represented (where relevant) by Latimer Lee Solicitors of 35 Bury New Road, Prestwich, Manchester, M25 9JY and are clients of the same. I understand that Latimer Lee Solicitors may contact me at any stage during or after the restoration procedure solely in connection with this restoration and I shall make all reasonable endeavours to acknowledge and respond to their communication in a timely and co-operative manner.

I understand that if the purpose of the restoration is solely to release assets I will have to give an undertaking to that effect to the Court. A form of undertaking may be sent to me prior to Court approval of the restoration and I am fully aware that such an undertaking is a promise to the Court and that if it is breached I may be liable to a fine , prison sentence or any such censure the Court may impose.

Signed

Dated

Name of Signatory

**Return this form to us with all relevant documents and payment:**

*Post: Restorations Department, Formations Direct Limited, Freepost RSHT-CAZA-XLXX, 1st Floor 47 Bury New Road, Prestwich Manchester M25 9JY*



**Formations Direct Limited**

**APPLICATION FOR THE ADMINISTRATIVE RESTORATION TO THE REGISTER**

Please complete the following questions to the best of your ability. If you are unsure of any matters please make it clear rather than guessing, as this may prejudice the application or delay it at a later stage.

If there is not enough space to answer clearly next to the question please list on a separate sheet of paper indicating which question you are referring to.

1. Company number. \_\_\_\_\_

Company Name \_\_\_\_\_

2. Registered office address. \_\_\_\_\_

\_\_\_\_\_

3. Full name, residential address telephone no. & e-mail address of the applicant who is an existing shareholder and/ or a director of the Company.

\_\_\_\_\_

\_\_\_\_\_

4. Please provide full details of any company assets, e.g. a bank account which has been frozen as a result of the dissolution.

\_\_\_\_\_

\_\_\_\_\_

5. Customer Number (If Known) with Formations Direct Limited: \_\_\_\_\_

I hereby instruct Formations Direct Limited to apply to Companies House and the Treasury Solicitor to restore the above-named company to the Register on my behalf, and agree to the terms and conditions of Formations Direct Ltd.

Signed \_\_\_\_\_ Dated \_\_\_\_\_

Name of Signatory \_\_\_\_\_

Please post to us with all relevant documents and payment  
Restorations Department, Formations Direct Limited, 1<sup>st</sup> Floor, 47 Bury New Road, Prestwich,  
Manchester M25 9JY.

# ID & VERIFICATION REQUIREMENTS

In order to comply with money laundering regulations we require the following identification for the restoration applicants

If you have any doubts about complying please ask us for guidance

*Please tick box when completed:*

- |          |                          |  |
|----------|--------------------------|--|
| <b>A</b> | <input type="checkbox"/> | Copy of passport for all above persons<br>(Certified by professional/bank on headed paper with official stamp) |
| <b>B</b> | <input type="checkbox"/> | Original bank statement or utility bill dated within the last 3 months<br>to verify addresses of above persons |
| <b>C</b> | <input type="checkbox"/> | Customer statement in writing  |

**Letter to include following (numbers 1 - 2):-**

1. That they are entitled to benefit from the restoration
2. All details on the application form are true and accurate

**Address all above documents to :-**

MLR Compliance Officer  
Restorations Department, Formations Direct Ltd  
1st Floor 47 Bury New Road  
Prestwich  
Manchester M25 9JY