

## Guildhall Chambers - Winding-up petitions

Certain barristers at Guildhall Chambers can provide their services in advising and representing clients on a direct access basis in relation to:

- Pursuing a winding-up petition against a company which owes their client money (hereafter 'acting for the petitioner');
- Responding to a winding-up petition on behalf of a company against whom a petition is brought (hereafter 'acting for the Company').

If you are owed £750 or more by a company and you are able to prove that the company cannot pay you, then you may be able to apply to a court to "wind-up" (in effect close) the company. Some of our barristers (with the specialist insolvency team at Guildhall Chambers) can advise you and/or represent you at court on that basis. We can also represent in court and/or advise you if you are a company and have a winding-up petition issued against you.

Please note that not all of the insolvency team at Guildhall Chambers can act for you on a direct access basis, please refer to the Direct Access page on our website (at <http://www.guildhallchambers.co.uk/public-access.html>) or contact the clerks to see which barristers can act for you on that basis.

None of our barristers are authorised to conduct litigation on your behalf.

### Timescales

Please read the general information on provided on timescales ('Do you have timescales for the services which you provide?') which is available in our transparency information because this will apply to this area of work. All barristers will aim to complete any written/or advisory services within 28 days where possible. Evidently, this timescale will be shorter when acting on behalf of a Company responding to a winding-up petition, where the barrister will aim to complete any written work within 14 days.

If you are acting on behalf of the Company, then there will usually be a hearing which is normally at least 14 days after the petition was served (or deemed to have been served) on the Company. If you are seeking to wind up a Company, then there are rules on when various steps have to be taken in relation to the hearing albeit it is usual for a hearing to be listed within six weeks of any petition being issued.

If you need any advice and/or representation on an urgent basis then please contact our clerks and where possible our barristers will aim to represent/advise you on that basis. If you wish to instruct a barrister to provide their services within a fixed timescale, then you will need to agree this with the barrister via their clerk when providing instructions.

### Fees

We will normally charge you a fixed fee for representation for winding up petitions where you instruct a barrister from Guildhall Chambers on a direct access basis.

A 'fixed fee' means that we will charge you a figure for the work which the barrister will not normally exceed. However in certain circumstances if further work is required not originally envisaged at the time that your fixed fee was provided or the circumstances of the case alter, then the barrister may be required to exceed that fee. However, we will aim to inform you if the fee provided is likely to be exceeded.

Please see below a range of **estimates** for the fixed fees involved in instructing barristers from Guildhall Chambers to act on a direct access basis in winding up petitions work. All fees **exclude** VAT (where applicable).

### Winding up petitions, advice and representation

Junior Counsel	Advice on issuing or defending WuP-Pet	Assistance with completion of forms and all necessary steps to take	Preparation for and attendance at court hearing
Up to 15 yrs call	£1500-£2,500	£2,000-£3,750	In the region of £2,000
Over 16 yrs call	£2,500-£3,500	£2,500-£4,500	In the region of £3,000

### Hourly rates for winding-up petitions

Junior Counsel	Hourly rate
Up to 15 yrs call	£200-£250
Over 16 yrs call	£250-£350

**Please note that these are estimates only and may not apply in the circumstances of your case. Please contact the clerks at [Civil.Clerks@guildhallchambers.co.uk](mailto:Civil.Clerks@guildhallchambers.co.uk) (or telephone on 0117 930 9000) for a more detailed estimate applicable to the circumstances of your case.**

Please note that there may be additional fees which will be payable if you are bringing a winding-up petition such as the Official Receiver's deposit and any other court fees. There may also be additional costs in producing any bundles or photocopying relevant documents.

There will be certain factors which may increase the level of work involved, and therefore the fees which are likely to be charged (or the number of hours involved). These factors will determine where the fee involved in your case will fall within the range of above fee estimates (if the fee falls within that range at all) and the number of hours involved for advisory work. Please note that if you are a company or client issuing a winding-up petition then even if the company is wound up, you might not get all or any of the money you are owed.

Those factors include:

- (i) The seniority of barrister required for your case. The more experienced the barrister (which is normally calculated on the number of years since they were called to the bar) the higher the likely level of fees to be charged.
- (ii) The number of papers involved in the case and/or the complexity of the factual issues involved.
- (iii) The time in which you require the work to be turned around and/or the services to be provided. More urgent work will often involve a higher level of fee (for example if this involves the barrister working over a weekend or prioritising your case over other work).
- (iv) The amount of time that your case will require the barrister to be in court.
- (v) The amount of travel time required for the barrister to get to and from court. Travel time is usually charged at half the barrister's hourly rate.
- (vi) The complexity of the legal issues involved.
- (vii) The significance of the case more generally, for example if the case has wider ramifications for the client generally and/or public or legal significance.

If you are concerned about the level of fees which may be involved in your case please inform the clerks at the earliest opportunity who will be able to discuss with the barrister how costs can be managed on the case. Please note that fee indications are (unless expressly agreed otherwise) not “caps”, and if a barrister is required to do work on the case, then they will charge accordingly. We will always aim to inform you if the fees on the case are likely to exceed the fee quotes or estimates previously provided. The best way to manage the level of the fees is to discuss the circumstances of your case (including any issues regarding fees) with the clerks when initially seeking to instruct a barrister.