EXPLANATORY MEMORANDUM TO

THE REGISTRAR OF COMPANIES (FEES) (COMPANIES, OVERSEAS COMPANIES AND LIMITED LIABILITY PARTNERSHIPS) (AMENDMENT) REGULATIONS 2011

2011 No. 309

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.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

This instrument amends the statutory fees to be charged by the Registrar of Companies in respect of companies, overseas companies and limited liability partnerships for the registration of information and its dissemination.

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

None

4. Legislative Context

4.1. The Regulations amend the Registrar of Companies (Fees) (Companies, Overseas Companies and Limited Liability Partnerships) Regulations 2009 (S.I. 2009/2101) under the provision of sections 243(3) and 1063(1) to (3) of the Companies Act 2006.

4.2. The instrument inserts a fee for the new citizen web incorporation service and certain registration fees which had previously been set administratively by the Registrar.

4.3. Separate statutory instruments amend the fees for limited partnerships and European Economic Interest Groupings.

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

7.1. Companies House is a trading fund and must operate on the basis of cost recovery. Our 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. Our costs are reviewed annually. During our most recent review we have forecasted our costs for the next financial year and compared this with the forecast volumes of each service, consequently fees need to be adjusted in order to achieve cost recovery.

7.2. Fees for certain services (e.g. electronic annual fee and incorporation) need to be reduced whilst others, mainly paper based services (e.g. annual fee, incorporation) need to be increased. The remaining fees will remain at current levels.

7.3. There is a fee for the new citizen web incorporation service which will be implemented to coincide with the amendments made by these Regulations.

7.4. Certain fees are set administratively in the Registrar of Companies Fees Determination. Generally, these are fees for new services; products with a small customer base or products with reducing demand. Some registration fees that were originally set in the Determination are being inserted into the Regulations as this is the first opportunity since introducing the new services to be able to do so. These include electronic change of name and electronic annual return for limited liability partnerships (LLPs).

7.5. Companies House reviews its fees annually and we will look to consolidate the instruments when we make further fee changes that require secondary legislation.

8. Consultation outcome

8.1 Companies House has not consulted on the level of fees it charges because 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. Companies, overseas companies and limited liability partnerships must pay the fees as prescribed in the Regulations when filing relevant documents for registration with the Registrar of Companies.

10.2. The impact on business, charities or voluntary bodies is that they must also pay the prescribed fees in respect of the inspection of documents or disclosure of information held by the Registrar.

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). However the majority of search fees remain unchanged.

10.4. An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

The legislation applies to small business.

The increase in fees for paper incorporation and the paper annual fee could impact small businesses if they continue to choose to file on paper. The volumes of small businesses still filing on paper is too difficult to calculate. In any event small companies and limited liability partnerships have the ability to file electronically thereby gaining the benefits from a more secure and cheaper electronic product.

12. Monitoring & review

12.1. The aim of the Regulations is to achieve full cost recovery on the registration and dissemination of company, overseas company and limited liability partnership information.

12.2. Companies House regularly reviews the fees it charges and the next review of its fees is scheduled for April 2012.

13. Contact

Rachael Watts at Companies House, Tel: 02920 380 952 or email: rwatts@companieshouse.gov.uk can answer any queries regarding the instrument.

Title:	
The Registrar of Companies (Fees) (Limited Partnership) (Amendment) Regulations 2011, The Registrar of Companies (Fees) (European Economic Interest Grouping) (Amendment) Regulations 2011 and The Registrar of Companies (Fees) (Companies, Overseas Companies and Limited Liability Partnerships) (Amendment) Regulations 2011 **Lead department or agency:** Companies House **Other departments or agencies:**	**IA No:** BIS 0176, 0177, 0178 **Date:** 30/11/2010 **Stage:** Final **Source of intervention:** Domestic **Type of measure:** Secondary legislation **Contact for enquiries:** Rachael Watts Tel: 029 2038 0952 email: rwatts@companieshouse.gov.uk

Summary: Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

Companies House (CH) is a Trading Fund and must operate on the basis of cost recovery, which is reviewed annually. CH have forecasted their costs for the next financial year and compared this with forecast volumes of each service, consequently fees need to be adjusted in order to achieve cost recovery.

What are the policy objectives and the intended effects?

1, To align CH fees with cost recovery and ensuring that any savings are passed onto business.

The proposed amendments will ensure that the fee for a service accurately reflects the cost of providing that service. Some electronic services are now over-recovering the costs and we are in a position to pass the benefits to customers by reducing the fee. A new web incorporation service to help the government's aim to have "one-click" registration needs to have a new statutory fee. Some paper service fees need to be increased for those customers who choose to have a premium 'same day' service or to continue to use paper.

What policy options have been considered? Please justify preferred option (further details in Evidence Base)

Option 0 – Do Nothing
Option 1 – Amend Fees

As a Trading Fund CH must recover its costs taking one year with another and achieve a 3.5% return on average capital employed. CH must meet its obligations as a Trading Fund and a company registry (under EU law) and therefore has no option but to change the fees. CH must also ensure that we recover our cost for each service it provides.

When will the policy be reviewed to establish its impact and the extent to which the policy objectives have been achieved?	It will be reviewed 10/2011
Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?	Not applicable

SELECT SIGNATORY Sign-off For final proposal stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.

Signed by the responsible Minister: ..... Date: 10/1/2011

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Summary: Analysis and Evidence

Policy Option 1

Description: To amend fees to better reflect the cost of providing service

Price Base Year 2010	PV Base Year 2010	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: 10.6	High: 14.4	Best Estimate: £10.6m

COSTS (£m)	Total Transition (Constant Price)	Ye	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	£50k		£1m	**£8.7m**
High	£100k		£1.44m	**£12.5m**
Best Estimate	£100k		£1.44m	**£12.5**

Description and scale of key monetised costs by 'main affected groups'

The majority of the costs will be through higher fees for certain paper services such as paper incorporation and the annual return. There are also some CH and stakeholder costs to implement the changes. The cost to business can be reduced if those customers that currently choose to use a particular paper service were to switch to the equivalent electronic service such as incorporation on a same day basis. The range represents the choice between higher cost paper returns and lower cost e-filing. The best estimate is that some companies will continue to use paper filings.

Other key non-monetised costs by 'main affected groups'

BENEFITS (£m)	Total Transition (Constant Price)	Ye	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional		Optional	**Optional**
High	Optional		Optional	**Optional**
Best Estimate			£2.68m	**£23.1m**

Description and scale of key monetised benefits by 'main affected groups'

Through making efficiency savings CH will pass on the benefits to companies by reducing some registration and search fees. We estimate that this will total savings £2.68m per annum based on the current volumes of documents filed and searches made.

Other key non-monetised benefits by 'main affected groups'

The increase in paper fees (due to the increase in costs associated with paper filings) may prompt existing paper customers to shift to digital channels, which is in line with Government strategy.

Key assumptions/sensitivities/risks **Discount rate (%)** n/a

Although the fees will be reviewed annually, there is no certainty that these will be changed. Therefore, in line with appraisal best practice, we will consider the costs and benefits of the fees change over 10 years. These figures are based on existing paper and 'e' filing volumes and trends. The risk of not implementing regulations will mean CH fees are not aligned to costs and could lead to cross subsidisation between services which is in contravention of EU law. Without introducing amending fees regulations it will not be possible to introduce the new web - incorporation service for customers. Existing paper customers who do not wish to change to e-filing may complain about the increase in fees.

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?			United Kingdom		
From what date will the policy be implemented?			06/04/2011		
Which organisation(s) will enforce the policy?			Companies House		
What is the annual change in enforcement cost (£m)?			n/a		
Does enforcement comply with Hampton principles?			Yes		
Does implementation go beyond minimum EU requirements?			No		
What is the CO_2 equivalent change in greenhouse gas emissions? (Million tonnes CO_2 equivalent)			**Traded:** n/a	**Non-traded:** n/a	
Does the proposal have an impact on competition?			No		
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?			**Costs:** Nil	**Benefits:** Nil	
Annual cost (£m) per organisation (excl. Transition) (Constant Price)	**Micro**	**< 20**	**Small**	**Medium**	**Large**
Are any of these organisations exempt?	No	No	No	No	No

Specific Impact Tests: Checklist

Set out in the table below where information on any SITs undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on...?	**Impact**	**Page ref within IA**
Statutory equality duties[1] Statutory Equality Duties Impact Test guidance	Yes	9
Economic impacts		
Competition Competition Assessment Impact Test guidance	No	
Small firms Small Firms Impact Test guidance	Yes	10
Environmental impacts		
Greenhouse gas assessment Greenhouse Gas Assessment Impact Test guidance	No	
Wider environmental issues Wider Environmental Issues Impact Test guidance	No	
Social impacts		
Health and well-being Health and Well-being Impact Test guidance	No	
Human rights Human Rights Impact Test guidance	No	
Justice system Justice Impact Test guidance	No	
Rural proofing Rural Proofing Impact Test guidance	No	
Sustainable development Sustainable Development Impact Test guidance	No	

Evidence Base (for summary sheets) – Notes

Use this space to set out the relevant references, evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Please fill in **References** section.

[1] Race, disability and gender Impact assessments are statutory requirements for relevant policies. Equality statutory requirements will be expanded 2011, once the Equality Bill comes into force. Statutory equality duties part of the Equality Bill apply to GB only. The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

References

Include the links to relevant legislation and publications, such as public impact assessment of earlier stages (e.g. Consultation, Final, Enactment).

No.	Legislation or publication
1	http://www.legislation.gov.uk/uksi/2009/2101/contents/made
2	http://www.legislation.gov.uk/uksi/2009/2392/contents/made
3	http://www.legislation.gov.uk/uksi/2009/2403/contents/made
4	Trading Fund - http://www.legislation.gov.uk/uksi/1991/1795/contents/made
5	First Directive - http://ec.europa.eu/internal_market/company/official/index_en.htm
6	http://www.nationalarchives.gov.uk/information-management/legislation/directive-and-regulations.htm
7	The Competition Act 1998 - http://www.legislation.gov.uk/ukpga/1998/41/contents

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Evidence Base

Ensure that the information in this section provides clear evidence of the information provided in the summary pages of this form (recommended maximum of 30 pages). Complete the **Annual profile of monetised costs and benefits** (transition and recurring) below over the life of the preferred policy (use the spreadsheet attached if the period is longer than 10 years).

The spreadsheet also contains an emission changes table that you will need to fill in if your measure has an impact on greenhouse gas emissions.

Annual profile of monetised costs and benefits* - (£m) constant prices

	Y_0	Y_1	Y_2	Y_3	Y_4	Y_5	Y_6	Y_7	Y_8	Y_9
Transition costs	0.10									
Annual recurring cost	1.44	1.44	1.44	1.44	1.44	1.44	1.44	1.44	1.44	1.44
Total annual costs	1.54	1.44	1.44	1.44	1.44	1.44	1.44	1.44	1.44	1.44
Transition benefits	0									
Annual recurring benefits	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68
Total annual benefits	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68

* For non-monetised benefits please see summary pages and main evidence base section



Microsoft Office
Excel Worksheet

Evidence Base (for summary sheets)

Scope of the Impact Assessment

1. This Impact Assessment (IA) considers the costs and benefits to the UK in implementing a set of amending fees regulations for the Registrar of Companies. The aim is to align fees to costs.

2. The Registrar does not consult on fees because as a Trading Fund CH must operate on the basis of cost recovery.

3. The main proposal is to align fees to costs by amending the existing fees regulations which are:

   - The Registrar of Companies (Fees) (Companies, Overseas Companies and Limited Liability Partnerships) Regulations 2009 (SI 2009/2101).

   - The Registrar of Companies (Fees) (Limited Partnerships and Newspaper Proprietors) Regulations 2009 (SI 2009/2392).

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

4. This IA examines the impact of introducing the three sets of amending regulations collectively. The implementation costs to CH will be shared equally across all three regulations. However it is important to note that 99% of the net benefit for customers will come from introducing amendments to SI 2009/2101.

5. The amendments to fees will affect all entities registered at CH including companies, Limited Liability Partnerships (LLP), Limited Partnerships (LP), Community Interest Companies (CiC), Overseas Companies, European Economic Interest Groupings (EEIG) and European Public Limited- Liability Companies (SE). The changes will also affect the people who search the register.

PROBLEM DEFINITION

Cost Recovery Principles

6. CH is a Trading Fund and must operate on the basis of cost recovery. Our 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 CH customers access them.

   The principal fees rules and statute that CH follows are:

   - As a Trading Fund, CH has a statutory duty to break-even over time ("taking one year with another") and to achieve an average annual return of 3.5% on average capital employed.

   - Managing Public Money which is HM Treasury guidance on fees and charges requires fees to be set to break-even (i.e. to recover the full cost) for each separate service after allowing for a cost of capital of 3.5%. This effectively prohibits cross-subsidy between different statutory services.

   - The EC First Company Law Directive, as amended, requires copies of company records to be made available to the public at a price not exceeding the "administrative cost" of producing them.

- The EC Capital Taxes Directive allows company registration costs to be met from fees, but prohibits charges that are effectively taxes. This means that prices cannot lawfully be set above costs for the relevant services.

- Case law (notably Fantask A/S e.a. v Industriministeriet (Erhvervministeriet). European Court case C-188/95 and Ponente Carni SpA and Cispandana Costruzioni SpA v Amministrazione delle Finanze dello Stato European Court joined cases C-71/91 and C-178/91) provides further guidance on the costs that can, and cannot, be taken into account for fee-setting.

- The Directive on Re-use of Public Sector Information says that "the total income from supplying and allowing re-use of documents shall not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. Charges should be cost-oriented over the appropriate accounting period and calculated in line with the accounting principles applicable to the public sector bodies involved."

- The Competition Act 1998 prohibits the abuse of a dominant position in a market. CH is dominant in that it is the only source for this type of information, by virtue of its statutory function.

7. CH must review its costs annually. For the next financial year 2010-2011, we forecast our costs to be £55.7m (see Annex 2) based on current filing and search volumes. By comparing the forecast cost with the forecast volumes of each service we can calculate which fees need to be adjusted in order to achieve accurate cost recovery.

8. Following the latest review of costs, fees for certain services (e.g. electronic annual fee, Incorporation) need to be reduced whilst others, mainly paper based services (e.g. annual fee, Incorporation) need to be increased.

9. The reduction in costs has been achieved through effective cost management, continued efficiency savings and as a result of the transformation journey from paper to 'e' and the reduced fees for electronic services reflect these savings. However due to the significant reduction in the volumes of paper certain fees for paper registration services will be increased to ensure costs are recovered.

10. In addition some fees for paper services will remain at current levels. This is because either there is no electronic service e.g. limited partnership registration or, in the case of Change of Name, the pricing is too sensitive to forecast in the short term due to a new electronic service being introduced. This is because the take up for electronic change of name is too difficult to predict at this early stage.

11. CH has a statutory duty to break even taking one year with another. However if surpluses are generated (for example as a result of an increase in take up compared to forecasted volumes) then where possible, if volume trends show a continued increase in demand, fees are adjusted to ensure excessive surpluses are not generated in future periods. This ensures costs are recovered and CH does not knowingly continue to generate a surplus for a product or service year on year. The current changes to Registrar's fees have been calculated taking current deficits and surpluses for products and services into account.

Benefit Analysis

12. The benefits to business will be through passing on savings made through efficiencies in the form of reduced fees for the following products:

Incorporations

The fee for electronic incorporations made through an agent (take up currently at 91% for companies and LLPs) will be reduced from £15 to £14. This ensures that the lower costs are passed onto CH customers.

This represents a saving to business of around £342k a year based on 342,000[2] electronic incorporations per annum.

Annual Returns

The efficiencies made by CH allied with the high percentage of customers filing electronically has allowed us to reduce fees for the major transactions of annual returns (take up on electronic filing is currently at 94% for companies and LLPs) from £15 to £14.

This represents a saving to business of around £2.07m a year based on 2.07m annual returns filed electronically per annum.

Overseas Companies

The costs associated with the overseas company annual fee, attached to the overseas company accounts, have reduced. This is mainly due to lower overheads involved in maintaining an overseas company on the register: for example there is no annual return required for filing. This fee is to be reduced from £30 to £20; again ensuring savings are passed onto customers.

This represents a saving to business of around £28,000 a year based on 2,800 overseas companies filing their accounts per annum.

Search Services

Companies House Direct (CHD) is an online subscription service for searching CH records. Savings in our search services has allowed us to reduce our subscription fees for CHD customers from £5 to £4 a month.

This represents a saving to business of around £240,000 per year based on approximately 20,000 subscribers per month.

13. The combination of the above will result in the total benefits to business of £2.68m, summarised below.

Service	Benefit p/a
Incorporations (electronic)	£342,000
Annual returns (electronic)	£2,070,000
Overseas companies	£28,000
Search services	£240,000
Average ongoing benefits per annum	**£2,680,000**

[2] Workload Volumes taken from CH forecast workload model.

Cost Analysis

14. The main costs in this impact assessment are as follows:

Stakeholder costs

Discussions with some third party software and forms providers have indicated that the transitional one off cost in upgrading their software systems varies between £50 and £5,000 for the larger companies. We estimate this will affect approximately 120 companies. The total one off cost to stakeholders is between £50,000 and £100,000.

Increase in Fees

Analysis of our cost base has revealed that CH is under-recovering costs of certain paper registration products (particularly incorporations and the annual fee), by approximately £1.44 million per annum. The fees involved are:

a) Paper incorporation for companies and LLPs: This fee will need to be changed from £20 to £40. We estimate this will cost business £280,000 in total if they continue to use paper services. This is based on 14,000 paper incorporations per annum.

   This will not affect CiCs, Overseas Companies, LPs, EEIGs, SEs and Welsh companies (who want to incorporate in the medium of Welsh). CH receives very low volumes of applications for these entities and there is currently no electronic service available to them.

   As they are not able to take advantage of the lower electronic fee CH has decided that the fee for registration will stay at the current level until an electronic service is developed. We see this as a reasonable approach and a short term measure as CH moves towards 100% e capability for incorporation.

b) The same day paper incorporation fee for all entities is being increased from £50 to £100 where one is available. This is a premium fee which is set to manage demand for a guaranteed incorporation by paper on the same day. This could cost companies and LLPs an additional £200,000 if they continue to choose to file on paper rather than using the same day electronic service or a standard service. This is based on 4000 same day applications per annum.

c) Annual fee (delivered with paper annual return): this fee will need to be increased from £30 to £40. We estimate that this could cost those who file on paper, 6% of all annual returns, an additional £950,000 if they choose to use the paper service instead of the cheaper electronic one. This is based on 95,000 paper annual returns per annum.

d) Application to make an address unavailable fee: due to the very low volumes of requests to suppress address information under s1088 of the Companies Act 2006 there has been a need to increase the fee from £15 to £55 to ensure costs of this very manual process are recovered. We estimate this would cost customers an additional £9,600 based on 240 applications per annum.

15. The combination of the above could result in the cost to business, in the first year, of between £1.49m and £1.54m. Thereafter the annual cost to business will be 1.44m as summarised below.

Service	Cost
One Off Cost	
Stakeholder costs	£50,000 - £100,000
TOTAL ONE OFF COST	**£50,000 - £100,000**

Annual Costs	
Incorporations (paper)	£280,000
Same day incorporation services	£200,000
Annual returns (paper)	£950,000
Address – application under s1088	£9,600
TOTAL COSTS per annum	**£1,439,600**

16. We estimate that the cost to business could be reduced further if customers switch from paper to electronic services. For example, if 25% of existing paper customers switched to the electronic equivalent they would save an estimated £708k per annum.

Net Benefits

TOTAL BENEFITS per annum	**£2.68m**
One off Costs	**£50,000 - £100,000**
TOTAL COSTS per annum (ex One Off cost)	**£1.44m**
Net Benefits per annum (ex One Off cost)	**£1.24m**

New Registration Fees

17. In line with the Coalition agreement to make it easier for people to set up new enterprises – particularly with "one click" registration, Companies House is developing a web incorporation service to allow citizens to incorporate companies directly with government online. The costs for running this service will be the same as those for existing software filed Incorporations. However the development costs and extra support costs need to be borne by web filers only. The fee reflects this and will be set initially at £18 based on an initial take up of 10,000 applications in the first year.

One In – One Out

18. Under the 'One In, One Out' rule, whereby a measure that has a net cost to business must have a measure or measures of equivalent cost removed in order to be implemented, this measure does not need a One Out because changes to rates and fees are currently out of scope.

Impact Tests

19. The Impact Assessment Guidance sets out a number of tests which need to be assessed.

Statutory equality duties

An Equalities Impact Test was undertaken and there are no significant equality issues. The single issue relating to companies wishing to incorporate in the language of Welsh will be mitigated by retaining the current paper fee.

Small Firms Impact Test

The changes to the fees will have an impact on small to medium enterprises (SME). There are currently 1.3million[3] companies on the register which fall into the SME category. All these companies will benefit from the reduced electronic incorporation and electronic annual fee if they choose to file this information electronically.

Currently between 6% and 7% of small firms could face higher costs for incorporation and their annual fee if they still choose to use paper forms. However, the majority of small firms will benefit from these changes because we expect them to continue to use the electronic means of filing (93% of incorporations and 94% of annual returns are currently filed electronically). However the actual volumes of SMEs who would be affected by the higher costs, if they still choose to file on paper, is too difficult to quantify.

Economic impacts

CH is dominant in that it is the only source for this type of information, by virtue of its statutory function. The Office of Fair Trading (OFT) have historically not regarded prices for statutory services, set on cost recovery basis, as falling within the Competition Act.

We recognise that the introduction of Web Incorporation may affect third party incorporation agents. However we are obliged to offer this service under the EC First Directive (2009/101/EC) and the Directive on the Services in the Internal Market (2006/123/EC). The fee is based on cost recovery and the higher fee compared to software incorporations represents the development costs of web incorporation and the support costs that will be required post implementation.

The increase in fees for paper incorporation and the paper annual fee could impact small firms if they continue to choose to file on paper. Companies and LLPs can choose to file electronically thereby gaining the benefits from the more secure and cheaper electronic product.

Legal Aid and Justice Impact Test

There is no impact on legal aid or the justice system.

Human Rights

The proposals are compliant with the Human Rights Act.

Rural Proofing

Amending fees regulations will have no impact on rural communities.

Health Impact Assessment

There is no health impact.

Carbon Impact and Other Environmental Assessment

The environment impact of this proposal is likely to be positive as customers move away from paper filing to electronic filing. However, it is not possible to quantify or monetise the impact.

[3] Source: ONS Statistical Press Release URN 10/92

Annexes

Annex 1 should be used to set out the Post Implementation Review Plan as detailed below. Further annexes may be added where the Specific Impact Tests yield information relevant to an overall understanding of policy options.

Annex 1: Post Implementation Review (PIR) Plan

A PIR should be undertaken, usually three to five years after implementation of the policy, but exceptionally a longer period may be more appropriate. A PIR should examine the extent to which the implemented regulations have achieved their objectives, assess their costs and benefits and identify whether they are having any unintended consequences. Please set out the PIR Plan as detailed below. If there is no plan to do a PIR please provide reasons below.

Basis of the review: [The basis of the review could be statutory (forming part of the legislation), it could be to review existing policy or there could be a political commitment to review];
Review objective: [Is it intended as a proportionate check that regulation is operating as expected to tackle the problem of concern?; or as a wider exploration of the policy approach taken?; or as a link from policy objective to outcome?]
Review approach and rationale: [e.g. describe here the review approach (in-depth evaluation, scope review of monitoring data, scan of stakeholder views, etc.) and the rationale that made choosing such an approach]
Baseline: [The current (baseline) position against which the change introduced by the legislation can be measured]
Success criteria: [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]
Monitoring information arrangements: [Provide further details of the planned/existing arrangements in place that will allow a systematic collection systematic collection of monitoring information for future policy review]
Reasons for not planning a PIR: [If there is no plan to do a PIR please provide reasons here] There is no separate PIR as CH must review its fees annually and the effects of the amendment regulations will form part of the next review.

Add annexes here.

Annex 2: Companies House Cost Forecast Model

The forecasting model has been derived using activity based costing principles using a mature software product (Metify). Direct operational costs are driven directly onto the product groups with which they are associated. For example, teams associated with processing incorporations are grouped into cost centres specific to that task, and the costs are driven directly to those incorporation products. Other overhead costs are allocated using generally accepted accounting rules such as by floor area, number of employees etc.

Volumes assumptions are derived using historical trend analysis, PESTLE principles, and application of known policy. These are assessed quarterly by a cross-directorate team and on an annual basis to assist with the formal business plan. Volume assumptions have proved extremely accurate over the past ten years, which has reduced any volatility in the fee setting process.

The main assumptions applied are:

1. that cross-subsidy must not arise between input and output services;
2. that fees should underpin the strategic direction of Companies House, such that the added efficiencies of electronic services are passed on to customers as soon as possible through lower fees;
3. that the model has been constructed in line with the principles of Managing Public Money.

The model has proved to be extremely robust in previous years. The volume assumptions made, along with the tight control over our cost base and efficient working methods, has enabled us to predict our fees requirements accurately. This has allowed Companies House to provide its services at stable prices through a period of significant change in processes, law, and electronic transformation.

The model was assessed in 2006 by the Office of Fair Trading as part of a Report on "The Commercial Use of Public Information (CUPI)[4]". This report highlighted CH as a good example of applying cost allocation consistently when setting fees for its products and services.

[4] OFT Publication reference: oft 861

2010-11

		Annual Return	Incorporations	Change of Names	Voluntary Dissolution	Mortgage charge registration	CHD	Certified Copies & Certificates of good standing	Info by Post, Fax, Phone CHIC	BULK DATA PRODUCTS	WEBCHECK	MINOR OCCUPIERS
Cost Grand Total	**61,476**	31,730	5,592	489	2,066	1,548	8,294	1,109	491	954	2,025	1,457
Revenue	**63,553**	33,011	5,736	566	2,006	1,586	8,715	1,112	533	976	2,159	1,404
Profit/ (Loss)	**2,077**	1,281	145	77	(61)	38	421	3	41	22	134	(53)
% Increase/ (decrease)	3%	4%	3%	14%	(3)%	2%	5%	0%	8%	2%	6%	(4)%

CATEGORISED COSTS

	Revenue	Cost	Surplus	% of Cost Base	% Revenue Return
REGISTRATION	42,905	41,425	1,480	67%	3%
SEARCH	13,495	12,873	622	21%	5%
OTHERS	1,404	1,457	(53)	2%	-4%
	57,803	55,755	2,048	91%	