

1983 No. 390

BANKRUPTCY

**The Bankruptcy (Fees and Deposit) Regulations
(Northern Ireland) 1983**

Made 1st December 1983

Coming into operation 1st January 1984

The Department of Economic Development in exercise of the powers conferred by Article 34(1) and (2) of the Bankruptcy Amendment (Northern Ireland) Order 1980(a) now vested in it(b) and of every other power enabling it in that behalf, with the concurrence of the Department of Finance and Personnel(c) as to fees and deposits hereby makes the following Regulations:

Citation and commencement

1. These regulations may be cited as the Bankruptcy (Fees and Deposit) Regulations (Northern Ireland) 1983 and shall come into operation on 1st January 1984.

Interpretation

2. In these regulations "the Order" means the Bankruptcy Amendment (Northern Ireland) Order 1980.

Fees payable

3.—(1) The fees to be taken in respect of the proceedings and matters specified in the second column of the Schedule shall be those specified in the third column of the Schedule.

(2) Where proceedings and matters specified in the second column of the Schedule attract Value Added Tax, the sums payable as fees in respect of those proceedings or matters shall be increased by 15 per cent.

Manner of payment

4. There shall be paid out of the funds standing to the credit of any estate in the Insolvency Account the amount of any fees payable under these regulations in respect of that estate.

Deposit

5.—(1) Subject to paragraph (2), the deposit to be made under the Bankruptcy Acts for the purpose of covering the costs to be incurred by the Official Assignee shall be—

- (i) £50 in the administration of an arrangement; and
- (ii) £90 in a bankruptcy or in the administration of a deceased insolvent's estate.

(a) S.I. 1980/561 (N.I. 4)

(b) By S.I. 1982/846 (N.I. 11) Art. 4

(c) Formerly the Department of Finance. See S.I. 1982/338 (N.I. 6) Art. 3

(2) Payment of a deposit shall not be required on a bankruptcy petition by a debtor upon the Official Assignee being satisfied that the debtor's assets which may be immediately or promptly realised are sufficient to produce the sum of £180 at least over and above the value of the articles excepted by section 298 of the Act of 1857 and issuing a certificate that the payment of a deposit has been dispensed with pursuant to these regulations.

Revocation

6.—(1) Subject to paragraph (2), the Official Assignee (Fees) Regulations (Northern Ireland) 1981(a) are hereby revoked.

(2) Where a bankrupt or arranging debtor has made an offer of composition before the coming into operation of these regulations the fees payable in such proceedings shall be assessed as if these regulations had not been made.

Sealed with the Official Seal of the Department of Economic Development for Northern Ireland on 1st December 1983.

(L.S.)

W. T. McCrory

Assistant Secretary

The Department of Finance and Personnel hereby concurs with the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 1st December 1983.

(L.S.)

J. M. Dowdall

Assistant Secretary

SCHEDULE

Regulation 3

No. of Fee	Description of Proceeding or Matter	Amount
		£
1	For each week or part thereof where the Official Assignee supervises the carrying on of the business of a bankrupt, arranging debtor or deceased insolvent ...	58-00
2	For taking an affidavit, affirmation or declaration, except proof of debt—	
	(i) for each person making the same ...	2-00
	(ii) for each exhibit or schedule to be marked ...	0-50
3	On the payments made by the Official Assignee into the Insolvency Account other than—	
	(a) cash provided under the terms of a composition; or	
	(b) payments made to any person employed to assist the Official Assignee where such payment has been authorised by the Court; or	
	(c) unclaimed or undistributed balances; or	
	(d) sums paid to secured creditors in respect of their securities; or	
	(e) sums spent in carrying on the business of the bankrupt, arranging debtor or deceased insolvent; or	
	(f) monies received by the Official Assignee from a receiver who has been appointed in the administration of an arrangement;	
	a fee in accordance with the following scale—	
	(i) on the first £5,000 or fraction thereof ...	per cent 20-00
	(ii) on the next £5,000 or fraction thereof ...	per cent 15-00
	(iii) on the next £90,000 or fraction thereof ...	per cent 10-00
	(iv) on all further sums ...	per cent 5-00
4	On the amount distributed to creditors by the Official Assignee—	
	(i) on the first £2,500 or fraction thereof ...	per cent 10-00
	(ii) on the next £7,500 or fraction thereof ...	per cent 7-50
	(iii) on the next £90,000 or fraction thereof ...	per cent 5-00
	(iv) on all further sums ...	per cent 2-50
5	For all expenses incurred by the Official Assignee in respect of official stationery, printing, postage and telephones, including notices to creditors of meetings and sittings of the Court—	
	(i) for a number of creditors not exceeding 25 ...	111-00
	(ii) for every additional 10 creditors or part thereof ...	32-00
6	When the order of adjudication of bankruptcy is annulled otherwise than under section 149 of the Act of 1857 and where Fee No. 7 is not payable, the petitioner shall pay to the Official Assignee in respect of his services ...	30-00

No. of Fee	Description of Proceeding or Matter	Amount
7	<p>When the order of adjudication of bankruptcy is annulled on the consent of the creditors and the amount required to pay the debts, costs, fees and expenses of the proceedings is or has been:</p> <p>(a)(i) distributed by the Official Assignee and is, or could have been, provided from the bankrupt's assets ...</p> <p>(ii) provided by a third party and distributed by the Official Assignee, the bankrupt being without assets ...</p> <p>(iii) distributed by the Official Assignee and is, or could have been, paid in part from the bankrupt's assets, the balance being provided by a third party ...</p> <p>but only to the extent that Fees Nos. 3 and 4 have not already been charged;</p> <p>(b) distributed to unsecured creditors outside the proceedings with money provided by a third party...</p>	<p>£</p> <p>The scale fees calculated under Fees Nos. 3 and 4 on the amount so distributed.</p> <p>The scale fee calculated under Fee No. 4 on the amount so distributed.</p> <p>The fees prescribed in (i) and (ii) above to the extent that each applies.</p> <p>Half the scale fee calculated under Fee No. 4 on the amount so distributed.</p>
8	<p>When the Official Assignee has been appointed receiver following the presentation of a bankruptcy or arrangement petition ...</p>	100·00
9	<p>On the withdrawal or dismissal of an arrangement petition or where on the default of the debtor an order is made that no further proceedings be had in the arrangement ...</p>	25·00
10	<p>On an application—</p> <p>(1) for an order of discharge under Article 28 of the Order ...</p> <p>(2) by the debtor to review an order, or refusal, of discharge ...</p>	58·00 58·00
11	<p>On an application to the Department under Article 24 of the Order for a payment from the Insolvency Account or the Consolidated Fund or for the re-issue of a cheque or payable order in respect of moneys standing to the credit of the Insolvency Account ...</p>	3·15
12	<p>On each payment made from the Insolvency Account or the Consolidated Fund under Article 24 of the Order ...</p>	per cent 1·25
13	<p>When the Official Assignee furnishes the Department with an account under Article 4 of the Order, a fee according to the following scale on the amount paid into the Insolvency Account, after deducting any sums paid to secured creditors in respect of their securities and any sums spent out of money received in carrying on the business of a bankrupt, arranging debtor or deceased insolvent—</p> <p>(i) on the first £10,000 or fraction thereof ...</p>	per cent 5·00

No. of Fee	Description of Proceeding or Matter	Amount
14	(ii) on all further amounts ... Where a receiver has been appointed in the administration of an arrangement ...	£ NIL Half the scale fee calculated under Fee No. 4 but only to the extent that Fee No. 4 has not already been charged.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations provide for the amount and manner of payment of fees and deposits under the Bankruptcy Acts. Fees 1, 5(i) and 5(ii) in the Schedule have been increased from £50, £82 and £24 to £58, £111 and £32 respectively. The amount of the payments into the Insolvency Account on which Fee 3(i) is charged has been increased from £2,500 to £5,000 and that on which Fee 3(ii) is charged has been reduced from £7,500 to £5,000. Fees 10-13 are new and have been introduced to provide for new functions to be carried out by the Official Assignee for bankruptcy for Northern Ireland and the Department of Economic Development under the Bankruptcy Amendment (Northern Ireland) Order 1980. Fee 14 is new and reduces the fee to be charged where a receiver is appointed in an arrangement. The remaining fees stay the same. The deposit in an arrangement has been increased from £25 to £50 and in a bankruptcy or deceased insolvency from £60 to £90.