

2011 No. 390

INSOLVENCY

The Insolvency (Fees) (Amendment No. 2) Order (Northern Ireland) 2011

Made - - - - *4th November 2011*

Affirmed by resolution of the Assembly on *16th January 2012*

Coming into operation - *31st January 2012*

The Department of Enterprise, Trade and Investment (a), with the concurrence of the Department of Finance and Personnel, makes the following Order in exercise of the powers conferred by Article 361(1) and (3) of the Insolvency (Northern Ireland) Order 1989(b).

Citation and commencement

1. This Order may be cited as the Insolvency (Fees) (Amendment No. 2) Order (Northern Ireland) 2011 and comes into operation on 31st January 2012.

Amendment of the Insolvency (Fees) Order (Northern Ireland) 2006

2. Subject to article 6, the Insolvency (Fees) Order (Northern Ireland) 2006(c) is amended in accordance with articles 3, 4 and 5.

Fees payable to an insolvency practitioner appointed under Article 247

3. In article 5 for “£345” substitute “£450”.

Reduction and refund of fees – individual voluntary arrangement following bankruptcy

4. In article 6 for “£462.50” substitute “£525”.

Fees payable in connection with bankruptcies, debt relief orders, individual voluntary arrangements, deeds of arrangement and winding up

5. In Schedule 2, in paragraph 2, in the Table of Fees—

- (a) in relation to the fee designated as B1, for “£925” substitute “£1,050”;
- (b) for the fee designated as B2 substitute—

(a) Formerly the Department of Economic Development; see Article 3(5) of the Departments (Northern Ireland) Order 1999 S.I. 1999/283 (N.I. 1).
(b) S.I. 1989/2405 (N.I. 19); there are amendments to Article 361 which are not relevant to this Order.
(c) S.R. 2006 No. 54, as amended by S.R. 2009 No. 201 and S.R. 2011 No. 14.

“B2

**Bankruptcy - Department’s
administration fee applicable to
bankruptcy orders made on or after 31st
January 2012**

For the performance by the Department of its general duties under the insolvency legislation in relation to the administration of the estate of each bankrupt, there shall be payable a fee calculated in accordance with the following scale as a percentage of chargeable receipts relating to the bankruptcy (but ignoring that part of the chargeable receipts which exceeds the bankruptcy ceiling) at the rate of—

0% of the first £2,000
100% of the next £1,700
75% of the next £1,500
15% of the next £396,000
1% of the remainder, subject to a maximum of £80,000”;

- (c) in relation to the fee designated as W1, for “£1,615” substitute “£1,800”;
(d) for the fee designated as W2 substitute—

“W2

**Winding up by the court - Department’s
administration fee applicable to winding
up orders made on or after 31st January
2012**

For the performance by the Department of its general duties under the insolvency legislation in relation to the administration of the affairs of each company which is being wound up by the court, there shall be payable a fee calculated in accordance with the following scale as a percentage of chargeable receipts relating to the company at the rate of—

0% of the first £2,000
100% of the next £1,700
75% of the next £1,500
15% of the next £396,000
1% of the remainder, subject to a maximum of £80,000”.

Transitional provisions

- 6.—(1) The amendments made by articles 3 to 5 apply as set out in paragraphs (2) to (4).
(2) The amendment made by article 3 only applies to reports submitted to the court in respect of debtors’ petitions presented on or after 31st January 2012.
(3) The amendment made by article 4 only applies to petitions presented on or after 31st January 2012.
(4) The amendments made by article 5 only apply in respect of bankruptcy and winding-up orders made on or after 31st January 2012.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 4th November 2011.



Michael J Bohill
A senior officer of the
Department of Enterprise, Trade and Investment

The Department of Finance and Personnel concurs.

Sealed with the Official Seal of the Department of Finance and Personnel on 4th November 2011.



Michael Daly
A senior officer of the
Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Insolvency (Fees) Order (Northern Ireland) 2006 (S.R. 2006 No. 54) (“the principal Order”) in relation to the fees charged for insolvency proceedings under the Insolvency (Northern Ireland) Order 1989 (“the 1989 Order”).

Article 3 updates article 5 of the principal Order which prescribes the fees payable to insolvency practitioners under Article 247 of the 1989 Order. The amount payable is increased from £345 to £450.

Article 4 updates article 6 of the principal Order which prescribes a reduction in the fees payable by a bankrupt to the official receiver when acting as supervisor of an individual voluntary arrangement. The amount is increased from £462.50 to £525 to correspond with a similar increase in the fee designated as B1, pursuant to article 5(a) of this Order.

Article 5(a) increases from £925 to £1,050 the official receiver’s administration fee payable for the performance by the official receiver of his general duties as official receiver on the making of a bankruptcy order.

Article 5(c) increases from £1,615 to £1,800 the official receiver’s administration fee payable for the performance by the official receiver of his general duties as official receiver on the making of a winding-up order.

Articles 5(b) and 5(d) amend the percentages to be applied for the performance by the Department of its general duties under the insolvency legislation in relation to the administration of the estate of each bankrupt, or of the affairs of each company which is being wound up by the High Court.

Article 6 makes transitional provisions for the application of this Order.

In any case where a bankruptcy order was made under the 1989 Order before the date that this Order comes into operation, only Fee 19 in Part 2 of the Schedule to the Insolvency (Fees) Order (Northern Ireland) 1991 (S.R.1991 No.385) (“the 1991 Order”) will continue to apply. As regards cases where a winding-up order is made under the 1989 Order before the date this Order comes into operation, only Fee 8 in Part 1 of the Schedule to the 1991 Order will continue to be payable.

A Regulatory Impact Assessment has not been prepared in relation to this Order. An assessment was prepared for the Insolvency (Northern Ireland) Order 2005, which deals with the restructuring of the system of insolvency fees. Copies of this are available from the Legislation Unit, The Insolvency Service, Fermanagh House, 20A Ormeau Avenue, Belfast BT2 8NJ.

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£4.00

N5195 01/2012 425195T 19585

ISBN 978-0-337-98643-7



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