

2007 No. 220

INSOLVENCY

BANKRUPTCY

The Bankruptcy Fees (Scotland) Amendment Regulations 2007

<i>Made</i> - - - -	<i>6th March 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>9th March 2007</i>
<i>Coming into force</i> - -	<i>1st April 2007</i>

The Scottish Ministers, in exercise of the powers conferred by sections 69A, 72 and 73(1) of the Bankruptcy (Scotland) Act 1985(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Bankruptcy Fees (Scotland) Amendment Regulations 2007 and shall come into force on 1st April 2007.

Interpretation

2. In these Regulations—

“non-profit-making body” means a body which is not organised for the primary purpose of making a profit; and

“the principal Regulations” means the Bankruptcy Fees (Scotland) Regulations 1993(b).

Amendment of the principal Regulations

3. Part II of the Schedule to the principal Regulations shall be amended—

(a) by substituting for function 14 in column 1 and fee payable in column 2—

“14. For searches in the register of insolvencies—

(a) where the search is carried out by staff of the Accountant in Bankruptcy – for each search in respect of a debtor	£16.00
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(a) 1985 c.66; section 69A was inserted by section 8 of the Bankruptcy (Scotland) Act 1993 (c.6) and section 73(1) was amended by paragraph 29 of Schedule 1 to that Act, and contains a definition of “prescribed” that is relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1993/486, as amended by S.I. 1999/752.

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|--|-----------|--------|
| (b) where searches are carried out by remote direct access by computer – for each day from 0000 hours to 2359 hours | £16.00 | |
| (c) where searches are carried out by remote direct access by computer – for each year or part thereof | £4,000.00 | |
| (d) where searches are carried out by remote direct access by computer by non-profit-making bodies established in the UK including the Scottish Executive, UK Government Departments, Police and Credit Unions, on proof to the satisfaction of the Accountant in Bankruptcy of non-profit-making status | £ nil | |
| (e) where searches are carried out by remote direct access by computer by persons acting as agents of the Accountant in Bankruptcy | £ nil | ”; and |

(b) by substituting for function 20 in column 1–

“20. For lodging any unclaimed dividend in an appropriate bank or institution set aside for payment to a creditor or creditors, in respect of each creditor on consignment”.

4. After regulation 8, insert–

“Manner of Payment

9. The fees in Part II of the Schedule to these Regulations, in respect of functions 10 (granting of a certificate of discharge), 11 (providing a certified copy of an entry in the register of insolvencies), 12 (for the certifying of any other document), 13(a)(i) (providing a copy of any document by photocopying), and 14(a), (b) and (c) (searches in the register of insolvencies), shall be payable to the Accountant in Bankruptcy in advance of the provision of the service.”.

St Andrew’s House,
Edinburgh
6th March 2007

JOHANN MLAMONT
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Bankruptcy Fees (Scotland) Regulations 1993 (S.I. 1993/486) to prescribe amended fees payable to the Accountant in Bankruptcy in respect of the exercise of the Accountant in Bankruptcy's functions under the Bankruptcy (Scotland) Act 1985.

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