

2010 No. 76

INSOLVENCY

BANKRUPTCY

The Bankruptcy Fees (Scotland) Amendment Regulations 2010

<i>Made</i>	- - - -	<i>25th February 2010</i>
<i>Laid before the Scottish Parliament</i>		<i>2nd March 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</i>

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

Citation and commencement

1. These Regulations may be cited as the Bankruptcy Fees (Scotland) Amendment Regulations 2010 and come into force on 1st April 2010.

Amendment of the Bankruptcy Fees (Scotland) Regulations 1993

2. In Part II of the Schedule to the Bankruptcy Fees (Scotland) Regulations 1993(b)—
- (a) in Column 2 of item 2 (for administration of a creditor's petition), for "£100.00" substitute "£200.00";
 - (b) in Column 3 of item 2, for "None" substitute "£100.00";
 - (c) omit item 14 (for searches in the register of insolvencies);
 - (d) in Column 2 of item 18(b) (for supervision of the trustee of a protected trust deed), for "£200.00" substitute "£250.00";
 - (e) in Column 3 of item 18(b), for "(No change)" substitute "£200.00".

(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, S.S.I. 2007/220, 2008/5 and 79, and 2009/97.

Savings provision

3. Notwithstanding regulation 2, in respect of petitions and applications for sequestration lodged, and protected trust deeds granted, before 1st April 2010, the Bankruptcy Fees (Scotland) Regulations 1993 shall continue to have effect as if the amendments made by these Regulations had not been made.

St Andrew's House,
Edinburgh
25th February 2010

FERGUS EWING
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

In particular, the Regulations increase the fees for the administration of a creditor petition and for the supervision of the trustee in a protected trust deed. The fees in respect of searches in the register of insolvencies are removed.

The Regulations only apply to petitions and applications for sequestration lodged or trust deeds granted on or after 1st April 2010.

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