

2011 No. 142

INSOLVENCY

The Bankruptcy Fees (Scotland) Amendment Regulations 2011

Made - - - - *17th February 2011*

Laid before the Scottish Parliament *22nd February 2011*

Coming into force - - *1st April 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 69A, 72(1) 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 2011 and come into force on 1st April 2011.

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 item 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)—
 - (i) in Column 2, for “£13.00” substitute “£26.00”; and
 - (ii) in Column 3, for “£12.00” substitute “£13.00”;
- (b) in item 21 (for uplifting any sum lodged in an appropriate bank or institution, in respect of each creditor on consignment)—
 - (i) in Column 1, for “sum lodged in an appropriate bank or institution, in respect of each creditor on consignment” substitute—

“unclaimed dividend consigned in an appropriate bank or institution, in respect of each creditor”;
 - (ii) in Column 2, for “£13.00” substitute “£26.00”; and

(a) 1985 c.66. Section 69A was inserted by the Bankruptcy (Scotland) Act 1993 (c.6), section 8, and amended by S.I. 1999/1820, Schedule 2, paragraph 82. Section 73(1) 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, insofar as they are within devolved competence, by section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1993/486. The Schedule to the Regulations was last substituted by S.S.I. 2009/97 and subsequently amended by S.S.I. 2010/76.

(iii) in Column 3, for “£12.00” substitute “£13.00”.

St Andrew’s House,
Edinburgh
17th February 2011

FERGUS EWING
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 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 consigning unclaimed dividends and for uplifting consigned sums.

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