

POLICY NOTE

THE BANKRUPTCY FEES (SCOTLAND) REGULATIONS 2017

SSI 2017/37

1. The above instrument is made in exercise of the powers conferred by sections 69A and 72(1A) of the Bankruptcy (Scotland) Act 1985 (as amended) (“the 1985 Act”), sections 205 and 225(2) of the Bankruptcy (Scotland) Act 2016 (“the 2016 Act”), and all other powers enabling the Scottish Ministers to do so. It is subject to the negative procedure.

Policy Objectives

2. The policy aim of the Bankruptcy Fees (Scotland) Regulations 2017 is to set the charges to be levied by the Accountant in Bankruptcy (“the AiB”) and these are set out in the Table of Fees in the schedule.
3. The Table of Fees is divided into 2 parts. Part 1 lists the fees payable to the AiB in respect of functions carried out as interim and/or trustee in a bankruptcy. Part 2 lists the fees payable for all other statutory functions of the AiB. This instrument updates the fees set in the Bankruptcy Fees (Scotland) Regulations 2014 and those Regulations are revoked (subject to the savings provision at regulation 13).
4. The Scottish Government recognises the need to carry out regular reviews of the bankruptcy fees structure, in order to assess whether these are appropriate, fair and contribute towards the goal set for the AiB of minimising its call on the public purse.
5. The review of fees undertaken prior to the introduction of the Bankruptcy Fees (Scotland) Regulations 2014 simplified the fees structure and aimed to introduce more transparent Fees Regulations by removing a number of ad-hoc fees and replacing them with a fixed fee approach. The Scottish Government has kept this approach under review and has undertaken analysis to establish whether the fee levels set are appropriate.
6. The approach in these Regulations, aimed at full cost recovery is based on the need to recover costs that relate to the administration of insolvency – that is, not to seek to recover costs resulting from, for example, the development of policy. This is consistent with Scottish public finance best practice.
7. In 2014-15 and 2015-16, the AiB was self-financing owing to the large caseload seen in the preceding years – with most income arising at the end of bankruptcy cases. The personal insolvency caseload of the AiB reached a record level in 2009-10 and remained at historically high levels until 2012-13, when a period of significant decline in case numbers started (see table 1).
8. The decline in the personal insolvency caseload of the AiB has meant that there are fewer cases in which to recover costs that relate to the administration of insolvency. Overall, total personal insolvencies have declined by 63% from 22,998 in 2009-10 to 8,474 in 2015-16. Awards of bankruptcy cases, in particular, have seen a significant decline over this period from 13,810 to 3,765, a 73% decrease.

9. As a result of the fall in case numbers, the AiB is forecasting a fall in operational income of £1.3 million in 2017-18, £4.2 million in 2018-19 and £3.0 million in 2019-20 when compared with the forecasted income level in 2016/17.
10. Continuing to maintain fees at their current levels means that the AiB will not recover its costs, and therefore, would not be consistent with Scottish public finance best practice. The shortfall from not recovering costs in full would have to be met by the Scottish Government, and ultimately the taxpayer.

Table 1: Accountant in Bankruptcy caseload, 2006-07 to 2015-16

Financial Year	Awards of Bankruptcy	Protected Trust Deeds	Total Personal Insolvencies
2006-07	5,767	8,299	14,066
2007-08	6,158	7,509	13,667
2008-09	14,777	7,633	22,410
2009-10	13,810	9,188	22,998
2010-11	11,443	7,980	19,423
2011-12	11,056	9,194	20,250
2012-13	8,838	8,177	17,015
2013-14	7,112	6,681	13,793
2014-15	6,730	4,437	11,167
2015-16	3,765	4,709	8,474

Source: AiB Quarterly Insolvency Statistics

11. Part of the AiB's approach to full cost recovery is to make sure the debt relief and debt management processes provided are as efficient as possible. AiB's efficiency savings target of 3% of the 2010-11 baseline budget has been met each year. A range of efficiencies have been delivered, including reductions in staff costs, legal costs and procurement costs.
12. AiB administration costs, however, are predominately fixed costs (for example accommodation, support staff and systems) and the reduction in operational expenditure has not kept pace with the annual decreases in case numbers. This has meant that the overall cost per case has risen significantly.
13. The Scottish Government's policy is to provide lower cost, effective and accessible debt relief to those on low incomes who need it most. All bankruptcy fees are borne by the creditors, since the fees reduce the funds in the estate available to be put towards the outstanding debts. But the Scottish Government realises that the initial application fee can act as a deterrent to debtors, since the fee must be paid before debtors can gain access to debt relief. Accordingly, the 2014 fees review set the debtor application fee for 'Minimal Asset Process' ("MAP") bankruptcy at £90, while the debtor application fee for 'full-administration' bankruptcy remained at its 2012 level of £200. The debtor

application fees for both MAP and full administration bankruptcy have not been altered in this fees review.

14. Though not directly relevant to the fee rates, Annex A shows fees for comparable insolvency solutions in England and Wales offered by The Insolvency Service. Debtor and creditor petition administration fees are fixed at £1,990 and £2,775 respectively – this is in addition to the initial debtor/creditor application deposits of £550/£990. The commissions taken where the official receiver is trustee and £100,000 of assets are realised will total £15,000 in England and Wales. In Scotland the equivalent commissions amount to £10,000. In view of this, the Scottish model proposed represents a very positive structure from both a debtor and a creditor’s perspective.
15. The Regulations have been designed to move nearer full cost recovery. This will minimise the call on the public purse but the low case numbers at present mean the shortfall from not recovering costs in full will have to be met by the Scottish Government.
16. The Scottish Government judges it would not be appropriate to raise fees to the extent required to fully offset the shortfall in income identified in paragraph 9 above. It is important that the revised fees regime continues to be fair to those that access debt relief and debt management solutions, whether that be as a debtor or creditor. The Scottish Government will maintain its commitment to providing access to debt solutions for the people of Scotland that are fair, open and transparent.
17. The Bankruptcy Fees (Scotland) Regulations 2017 will:
 - Maintain the transparent and streamlined fees structure that was introduced in the Bankruptcy Fees (Scotland) Regulations 2014;
 - Deliver a fees structure that is fair;
 - Form part of the regular review of AiB fees to make sure they take full account of the need to minimise the call on the public purse from the operational costs for administering insolvency products – excluding AiB’s policy functions and the administration of the Debt Arrangement Scheme;
 - Maintain the commitments made during the development and consultation of the bill for the Bankruptcy and Debt Advice (Scotland) Act 2014 – particularly in relation to the costs of accessing bankruptcy through the MAP route; and
 - Consolidate the Bankruptcy Fees (Scotland) Regulations 2014 as the last part of the bankruptcy regulations to implement the 2016 Act.

Background on bankruptcy

18. Bankruptcy or sequestration is the state of being legally and publicly declared to be unable to meet debts when they fall due. It can apply to an individual, a partnership, and certain corporate or unincorporated bodies. When the insolvent person is declared bankrupt, by a sheriff or the AiB, that person’s estate is removed from their control and set aside for the benefit of the person’s creditors. Bankruptcy has the effect of removing from the debtor liability to pay the debts accumulated up to the date of their bankruptcy, with certain exceptions including certain types of student loan and fines.

19. A trustee, either the AiB or an insolvency practitioner, will be appointed or nominated to administer the bankrupt's estate. A bankrupt will be able to keep some things essential for everyday living, but may be required to make some payment from income.
20. Where the AiB is appointed as trustee in bankruptcy proceedings and realisation of the debtor's estate does not hold sufficient funds to meet the costs of administration, fees are subsidised by the public purse, from the overall AiB budget from the Scottish Government. Where the AiB is not appointed as trustee, the fees stated in Part 2 of the schedule are paid to the AiB from the debtor's estate (irrespective of whether there is any realisation or not).
21. It is the duty of the trustee to ingather funds, sell the debtor's non-essential assets or property and to use the money to:
 - Pay the costs of managing the bankruptcy; and
 - Pay creditors as much as possible of what the debtor owes them.
22. At the end of a bankruptcy where funds have been ingathered, the trustee will distribute these funds in order of priority laid out in section 129 of the 2016 Act. This allows for the fees and outlays of the trustee and the expenses of a petitioning creditor to be paid prior to any dividend to creditors, if sufficient funds are available.

Summary of Main Fee Changes

The standard administration fee

23. The main way in which the cost of administering bankruptcies can be recovered is through the standard administration fee charged in respect of AiB's functions as trustee. Fee levels are reviewed annually based on the most up to date case volumes and expenditure figures and based on the most recent information it is recommended that this fee be increased from £1,100 to £1,500. The total direct cost of administering insolvencies where AiB is trustee (excluding Minimal Asset Procedure cases) in 2015/16 was £2,550,000. This includes the cost of AiB staff, overheads, depreciation of assets and estimated insolvency practitioner fees. It excludes commissions paid to insolvency practitioners and case outlays which are recovered separately. The direct costs have been divided by the number of live cases at the time of calculation (6,800 at 29th May 2016) to get an average annual cost per case. This figure has then been multiplied by an average case life of 4 years resulting in a unit cost of £1,500.
24. As mentioned above insolvency practitioner fees are recovered through this charge and regulation 4(h) provides for AiB to recover IP (Provider) costs involved in a case where the costs of administration exceed the £1,500 fee.
25. In comparison with the current fee the revised fee level will raise an additional £400 per case where sufficient funds are ingathered to pay the fee in full. Based on the 1,649 full administration AiB trustee cases awarded in 2015/16 and a recovery rate of 70% based on average funds ingathered to cases this would raise an additional £462,000 per year. However since this cost is recovered at the end of a case it may take 4 years before the effect of this is realised.

Commissions

26. Thresholds for commissions payable on asset realisations have been increased from £10,000 bandings to £50,000 bandings. Therefore 15% would be paid on the first £50,000 realised, 5% on the next £50,000 and 2% thereafter.

The audit fee

27. The fee for issuing a determination fixing outlays and remuneration (otherwise known as the audit fee) is currently charged at 17.5% of trustee fees on trustee cases, or AiB fees on AiB cases. While 97% of audit fees charged are under £1,000, in some circumstances where cases are more complex the fee is significantly higher due to significant case costs. The largest fee in 2015/16 was £56,190 and 19 other fees were over £5,000.
28. The Scottish Government has sympathy with the view that this unfairly penalises large cases, given that the level of work involved in the audit may not be as substantially different as the difference in fees would suggest. The revised fee caps this figure at £5,000 per audit. Although capping this fee will reduce rather than increase income this change is introduced in order to ensure that AiB fees are fair and reasonable and ensure that charges are matched to costs as closely as possible.

Creditor Petitions

29. Currently the AiB charges a fee for creditors petitioning for the bankruptcy of a person owing them money. The charge for submitting an application is £100 and if AiB subsequently is appointed trustee in that case a further £200 is charged. It is recommended that these fees be raised to £150 and £300 to contribute to the full cost recovery objective. (The equivalent rate in the Insolvency Service fee regulations is £990.)

Interest on fees

30. There is currently no provision to enable AiB to charge simple interest on statutory fees that remain unpaid. A new provision will allow this and the intention is to encourage timeous payment of outstanding sums. This applies only to fees that become due after 3 April 2017 and which remain unpaid 30 days after the date on which they become due. Where fees remain unpaid 30 days after the date on which they are due AiB may serve a written request for payment of the outstanding fee and interest. The interest is simple interest on the unpaid amount calculated at 8% per annum from the day after the date on which a request is made until the day before the date of payment. This will apply to both fees under Part 2 of the table of fees in these Regulations unpaid 30 days after the date on which they are due and also to fees which under previous fee regulations which apply by virtue of the relevant savings provisions fall due on or after 3 April 2017 and are unpaid 30 days after the day on which they are due and subject to the same conditions. This rate of interest is consistent with the rate used in other contexts where similar principles apply. For example, in sequestration proceedings, this rate applies to the preferred and ordinary debts for the period between the date of sequestration and the date that the debt is settled (see in particular the Bankruptcy (Scotland) Regulations 2016).

31. The rate of interest also matches the current judicial rate of interest that is applied across all jurisdictions within the UK. We understand that it is proposed that the current rate is subject to a proposed review by UK Government and that a UK-wide consultation is planned by UK Ministers. Scottish Ministers would propose to learn from stakeholder responses to that consultation and it is proposed by Scottish Ministers that AiB would thereafter revisit the rate of interest applicable in the insolvency context in Scotland in light of Scottish Ministers' determination of any proposed change in Scotland.
32. The Scottish Government and AiB have a clear policy to encourage the prompt payment of invoices received, with a target of paying 100% of invoices from our suppliers within 10 days. In line with Scottish Government policy, AiB's invoices for fees currently state that payment is required within 30 days. As these invoices are concerned with statutory fees rather than settlement of commercial debt, AiB cannot charge interest without introducing this specific legislative provision. There is currently no incentive for trustees to settle their accounts within 30 days resulting in a small number having significant sums outstanding 120 days after the invoices were raised. The interest being charged will be borne by the firm and not the debtor. This rate of interest is lower than the 8% plus the Bank of England base rate that a business can charge another business for late commercial payment.

<https://www.gov.uk/late-commercial-payments-interest-debt-recovery/charging-interest-commercial-debt>

Specific Provisions

33. Annex B to this note has further detail on the specific provisions.

Consultation

34. These changes are predominately as a result of the AiB's Fees Review. The current structure as introduced in 2014 was discussed and the recommendation agreed by the AiB Board and was discussed during a series of AiB stakeholder events, which included a broad range of representatives from the money advice, creditor and insolvency sectors. The approach was supported and the move to a simplified and transparent fees regime was welcomed.
35. The current fee revisions were set out in a consultation paper that was circulated to AiB stakeholders and considered a meeting held in November 2016. The proposed fee alterations were agreed. The stakeholders included:
 - Lloyds Banking Group
 - RBS
 - HMRC
 - Insolvency Practitioners Association
 - ICAS
 - Deloitte LLP
 - KPMG
 - Grant Thornton UK LLP
 - JP Morgan
 - ABCUL

- Citizens Advice Scotland
- Money Advice Scotland
- The Carrington Dean Group
- Society of Messengers at Arms and Sheriff Officers

Impact Assessments

36. A Business and Regulatory Impact Assessment ("BRIA") has been completed on the effects of the implementation of the Bankruptcy Fees (Scotland) Regulations 2017 and the instrument and will be published when this instrument is laid before the Parliament. A copy of the BRIA can be found on the Accountant in Bankruptcy website at: www.aib.gov.uk
37. No equality issues were raised as part of the consultation process and it is considered that a full Equality Impact Assessment (EQIA) is not required. Fees are charged to all irrespective of their age, race, gender, disability or sexual orientation. The majority of the fees will only be charged where there are sufficient funds available in the bankrupt's estate to pay the costs.
38. AiB administers each bankruptcy on an individual basis and has appropriate measures in place to ensure that the collation and transmission of statistics and information regarding individuals are completed sensitively. The fees stipulated in the Bankruptcy Fees (Scotland) Regulations 2017 will apply equally to all. AiB regularly consults with stakeholders, service users and the general public on reforms to bankruptcy law to ensure that the needs of all groups of society who require to enter bankruptcy are considered and that no particular groups are disadvantaged or excluded more than others. A copy of the EQIA in relation to the 2014 Act can be found on the Scottish Government website at: www.scotland.gov.uk.

Financial Effect

39. These fees are levied to recover part of the operational administration costs incurred by the AiB. Any shortfall would otherwise be subsidised by the public purse as part of the overall AiB budget from the Scottish Government.
40. A Financial memorandum was published for the Bankruptcy and Debt Advice (Scotland) Bill 2014 and can be found at:

[http://www.scottish.parliament.uk/S4_Bills/Bankruptcy%20and%20Debt%20Advice%20\(Scotland\)%20Bill/b34as4-stage2-supp-fm.pdf](http://www.scottish.parliament.uk/S4_Bills/Bankruptcy%20and%20Debt%20Advice%20(Scotland)%20Bill/b34as4-stage2-supp-fm.pdf)
41. While in the previous two financial years AiB has achieved full cost recovery and was self-financing, this was largely due to a peak in repayments to the public purse due to the volume of bankruptcies reaching a conclusion. This is no longer the case and there will be an increasing requirement to draw on Scottish Government resources if no action is taken to address the level of fees. AiB plans to review the Fees Regulations regularly in order that the fees levied are appropriate taking into account factors including administrative costs and volume of personal insolvencies cases.

**The Accountant in Bankruptcy on behalf of the Scottish Government
February 2017**

**Annex A – Summary Comparison – 2017 Bankruptcy Fees and England and Wales Fees structure
Comparison based on fees where AiB/Official Receiver is administering bankruptcy**

Fee Category	2017 Fees - Scotland	Current Fees – England and Wales
“Up-Front” Fees		
Bankruptcy – Debtor Application	£90 – Minimal Asset Process application £200 –Bankruptcy application	£90 – Debt Relief Order application £550 – Debtor’s Deposit (bankruptcy application) £990 – Petitioner’s deposit
Bankruptcy - Creditor Petition	£150 – Administration of Petition £300 – Administration where AiB appointed on award of bankruptcy	
Administration Fees		
Bankruptcy	£1,500 – Fixed administration fee (where AiB appointed as trustee) Payment of Dividend (AiB appointed): 10% of first £10,000 5% of next £5,000 1% of further sums Audit fee – 17.5% on determination of fees/outlays	£1,990 – Official receiver’s administration fee following debtor application (applies in all cases) £2,775 – Official receiver’s administration fee following creditor petition (applies in all cases) £6,000 – Official Receiver’s general fee following creditor petition (applies in all cases) £150 – Income payment order/agreement fee (on making of IPA/O)
Commissions		
Bankruptcy	Where AiB is appointed: Assets: 15% of first £50,000 5% on next £50,000 2% thereafter Contributions: 25% of funds ingathered	Where official receiver is appointed: Assets and Contributions - 15% of all receipts realised by official receiver

Annex B - Specific provisions

1. Regulation 3: provides for the fees payable to the AiB for the functions carried out where the AiB is the interim trustee and/or trustee in a bankruptcy. The rates are set out in Part 1 of the Table of Fees in the schedule. These fees are not payable in advance and are applied to a bankrupt's estate (where funds are available), to cover the administration of the estate.
2. Regulation 4: the types of outlays which might reasonably be incurred by the AiB where the AiB has to use third party suppliers. It also allows for other outlays, where reasonable incurred, which are not listed. This makes provision for outlays made by AiB in delegating their trustee functions to insolvency practitioner Providers which exceed the general bankruptcy administration fee (prescribed at Part 1, item 2 of the table of fees).
3. Regulation 5: allows for the fees and outlays payable to the AiB to be paid from the debtor's estate at certain times throughout the lifetime of the bankruptcy, such as at the annual accounting period.
4. Regulation 6: provides for the fees payable to the AiB for the other functions carried out by the AiB, such as the duty to supervise trustees in bankruptcy or protected trust deeds (PTDs). These fees are set out in Part 2 of the Table of Fees.
5. Regulation 7: clarifies that these "Part 2" fees are also payable by the AiB in the case of those estates which he administers as interim trustee or trustee.
6. Regulation 8: specifies the manner in which fees payable to the AiB for undertaking the functions (detailed in Part 2 of the Table of Fees). Paragraphs (a) and (b) set out when fees associated with AiB's supervisory functions in relation to bankruptcy and PTDs are payable. Paragraph (c) when fees associated with AiB's functions in relation to the election of replacement trustees by trustee vote are due and paragraph (d) when fees are due for functions that transferred from Scottish Courts to AiB. Paragraph (e) is about the fees for debtor applications, including arrangements for collecting the balance of the higher fee where the administration of bankruptcy awarded under the MAP arrangements is converted to full administration. Fees due for other functions are payable when the AiB carries out the service.
7. Regulation 9: provides that, where the AiB supervises a trustee, the trustee is liable to pay the fee, irrespective of whether there will be funds in the estate to cover those costs. This cost can normally be recovered through the fees charged for administering the trust deed or bankruptcy.
8. Regulation 10: sets out the circumstances in which AiB may waive fees listed in Part 2 of the Table of Fees (either in whole or in part). These circumstances are limited to:
 - the payment of the balance of PTD supervision fees where a debtor has failed to meet the obligations of the trust deed; and
 - the balance of the debtor application fee where a bankruptcy is converted from MAP to full administration, other than where the debtor has provided false or misleading information;

- any interest payable under regulation 12.
9. Regulation 11: provides that a fee charged for an application for a Bankruptcy Restriction Order against a debtor, where the application is not granted on the grounds that it was not reasonable to make an application must be refunded.
 10. Regulation 12: provides for the charging of interest on unpaid Part 2 fees payable to AiB. This applies only to fees that become due after the 3 April 2017 and which remain unpaid 30 days after the date on which it becomes due. Where fees remain unpaid 30 days after the date on which they are due AiB may serve a written request for payment of the outstanding fee and interest. The interest is simple interest on the unpaid amount calculated at 8% per annum from the day after the date on which a request is made until the day before the date of payment. This will apply both to fees under Part 2 of the table of fees in these Regulations unpaid 30 days after the date on which they are due, and also to fees under previous fee regulations by virtue of the relevant savings provisions which fall due on or after 3 April 2017 and are unpaid 30 days after the day on which they are due and subject to the same conditions.
 11. Regulation 13: provides for transitional arrangements for sequestrations and trust deeds prior to 3 April 2017. The 2014 Fees Regulations will continue to apply to any sequestration where a petition was presented or debtor application presented prior to 3 April 2017. Similarly, the 2017 regulations will have no effect on any trust deed which was executed before 3 April 2017.
 12. Regulation 14: revokes the 2012 Fees Regulations subject to the arrangements in regulation 13.

Changes to the Schedule, Table of Fees

Part 1 – fees where AiB is trustee or interim trustee

13. Items 1 and 2 in Part 1 of the Table of Fees: the administration fee that can be charged by AiB in undertaking the functions of interim trustee or trustee. The proposed fixed administration fee for AiB trustee bankruptcy cases is set at £1,500. This reflects the total cost incurred in the administration of the case.
14. Items 3 and 4: refer to the percentage amount of any funds realised through the sale of assets or the payment of contributions that can be charged to cover the cost of work undertaken by the AiB. This has been revised for asset realisation so 15% is now payable on the first £50,000 (or fraction thereof) of ingathered funds, an increase from the first £10,000 in the 2014 Regulations. A 5% fee is now payable on the next £50,000 (or fraction thereof), an increase from the £10,000 figure set out in the 2014 Regulations. The amount payable is now 2% of all further sums ingathered (over £100,000). The 2014 Regulations specified 2% on sums ingathered over £20,000. There has been no change to the fee payable in relation to ingathering debtor's contributions which is set at 25%.
15. Item 5 refers to the percentage amount of any dividend funds, which may be available after payment of outlays and costs that can be charged to cover the cost of that work undertaken by the AiB. This remains unchanged from the 2014 Regulations.

Part 2 – fees for other functions of AiB

16. Item 1(a) in Part 2 of the Table of Fees: provides for a creditor in a creditor petition for bankruptcy to pay a fee to the AiB for administration of the creditor petition. This fee has increased from £100 to £150 and can be reclaimed by the creditor at the end of the sequestration process, if there are funds in the estate. It also prescribes a fee for administration of petitions made by a trustee under a trust deed.
17. Item 1(b): provides for a creditor fee of £300, increased from £200 from the 2014 Regulations, payable by the creditor only when the bankruptcy is awarded and the AiB is appointed trustee. Where there are funds in the estate, the creditor will recover this initial fee from the estate.
18. Item 2: sets out fixed supervision fees that are payable on an annual basis. There are two rates, with a lower annual fee fixed in cases where a commissioner has been in post for the entire 12 month supervision period. This reflects the AiB's reduced administrative function in these cases. The annual fee charged where no commissioner is in post is £100 (increased from £70 in the 2014 Regulations), and the lower fee chargeable where a commissioner is elected is £70 per year (an increase from £50 in the 2014 Regulations). This equates to fees amounting to £500 or £350 in a sequestration spanning a 5 year period.
19. Items 3 and 4: relate to the fees for considering and issuing a determination in an appeal against the determination of commissioners as to the outlays and remuneration payable to the trustee, and for issuing a determination fixing the outlays and remuneration payable to an interim trustee or trustee. These remain unchanged.
20. Items 5, 6 and 7: fees levied only in specific circumstances. It would not be appropriate to incorporate these fees into the general fixed administration fee for supervision or administration of bankruptcy as they do not apply in all cases. They include AiB's attendance at any meeting of creditors, for calling a meeting of creditors and for attendance at any examination of the debtor. These fees remain unchanged from the 2014 Regulations.
21. Item 8: relates to the fees charged in relation to PTDs. Item 8(a) relates to publication of a notice in the register of insolvencies to gain protection of a trust deed. This has increased from £35 to £40. Items 8(b) and (c) include the fees for registering a PTD and the annual fee for the supervision of a trustee under a PTD. The Item 8(b) fee chargeable has increased from £36 to £40 and the Item 8(c) fee remains unchanged.
22. Items 9, 10 and 11: include the fees for auditing the accounts of a trustee under a PTD and fixing remuneration and for actions associated with lodging and uplifting unclaimed dividends that have been consigned in respect of each creditor. It is not thought appropriate to incorporate this fee within a fixed administration fee as this situation does not arise in a significant number of cases. These fees remain unchanged.
23. Items 12 to 19 (inclusive): introduce fees all set at £50 to meet the costs of functions which transferred to AiB from the Sheriff Court. They cover specific actions by the AiB which relate to the appointment or replacement of a trustee in bankruptcy, along with new powers to cure a defect in procedure or deal with an application for direction

from a trustee. They are set so the costs involved through transfer of these powers do not exceed equivalent court fees.

24. Item 20: the fee levied for AiB to deal with an application for recall of bankruptcy in the circumstances prescribed in the 2016 Act. The fee levied is £100 comparable to a Sheriff Court fee of £113.
25. Item 21: the fee levied for considering an order in relation to an application by a member State liquidator for conversion of a trust deed into sequestration. This remains unchanged.
26. Item 22: the fees for the determination of a debtor application for bankruptcy. This remains at £200 for full administration bankruptcy and £90 for debtors accessing bankruptcy through the MAP provisions. No other statutory fees apply to the administration of MAP bankruptcies, provided there are no circumstances that would result in the case being converted to full administration.
27. Item 23: is the fee levied for an application to the court or the AiB for a Bankruptcy Restriction Order (BRO). This fee remains unchanged.
28. Item 24: covers the fee for registering a court order appointing a replacement trustee. This fee has increased from £19 to £50.