
S T A T U T O R Y I N S T R U M E N T S

1985 No. 1783 (L.14)

BANKRUPTCY, ENGLAND AND WALES

The Bankruptcy Fees (Amendment) Order 1985

Made - - - - - 18th November 1985

Coming into Operation 1st December 1985

The Lord Chancellor and the Treasury, in exercise of the powers conferred on them by section 133 of the Bankruptcy Act 1914(a) and section 2 of the Public Offices Fees Act 1879(b), hereby make sanction and consent to the following Order:—

1. This Order may be cited as the Bankruptcy Fees (Amendment) Order 1985 and shall come into operation on 1st December 1985.
2. There shall be substituted as Table B in the Schedule to the Bankruptcy Fees Order 1984(c) Table B in the Schedule hereto.

Hailsham of St. Marylebone, C.

Dated 1st November 1985.

*T. Garel-Jones,
T. Sainsbury,*
Two of the Lords Commissioners
of Her Majesty's Treasury.

Dated 18th November 1985.

(a) 1914 c. 59.

(b) 1879 c. 58.

(c) S.I. 1984/880.

SCHEDULE

Rule 2

TABLE B

| No. of Fee | Description of Proceeding | Amount £ |
|------------|--|---|
| 1 | On an application— (1) for an order of discharge under section 26 of the Act (2) by the debtor to review an order, or refusal, of discharge | 67.00 67.00 |
| 2 | On an application by a trustee to the Secretary of State or to an Official Receiver to exercise the powers of a Committee of Inspection under section 20(10) of the Act or rule 328— for each separate item therein | 21.00 |
| 3 | Where the Official Receiver supervises a special manager or the carrying on of a debtor's business— for each week or part thereof | 67.00 |
| 4 | On an application to the Secretary of State under section 153 of the Act for a payment from the Insolvency Services Account or for the re-issue of a cheque, money order or payable order in respect of moneys standing to the credit of the Insolvency Services Account | 4.00 |
| 5 | On payments out of money which was paid into the Insolvency Services Account before 1 December 1985 and on payments of money into the Insolvency Services Account on and after 1 December 1985 under section 153 of the Act where the money consists of unclaimed dividends | per cent 1.25 |
| 6 | On an application for search of the public records maintained by the Department of Trade and Industry, other than by the petitioning creditor, trustee, bankrupt or any officer of the Court | 2.00 |
| 7 | For taking an affidavit, affirmation or declaration, except proofs of debt— (i) for each person making the same (ii) for each exhibit or schedule to be marked | 3.00 0.75 |
| 8 | On the payments made by the Official Receiver into the Insolvency Services Account as receiver pursuant to section 7 of the Act, as trustee in bankruptcy, or as trustee to administer a debtor's property under a composition or scheme (after deducting any sums paid to secured creditors in respect of their securities and any sums spent in carrying on the business of the debtor) a fee in accordance with the following scale— (i) on the first £5,000 or fraction thereof (ii) on the next £5,000 or fraction thereof (iii) on the next £90,000 or fraction thereof (iv) on all further sums | per cent 20.00 per cent 15.00 per cent 10.00 per cent 5.00 |

| No. of Fee | Description of Proceeding | Amount £ |
|------------|--|---|
| 9 | On the amount distributed to creditors by the Official Receiver when acting as trustee or trustee under a composition or scheme—half of the percentage prescribed in Fee No. 8, calculated on the amount so distributed | |
| 10 | For all official stationery, printing, postage and telephones, including notices to creditors of meetings and sittings of the court and room hire— (i) for a number of creditors not exceeding 25 (ii) for every additional 10 creditors or part thereof . . . <i>This fee does not include the charge which may be made by the Official Receiver or trustee on calling a meeting at the request of creditors, for which provision is made in Rule 244.</i> | 129.00 37.00 |
| 11 | On the insertion in the <i>London Gazette</i> of a notice authorised by the Act or the Bankruptcy Rules. Provided that:— (i) where the receiving order was made before 1 January 1980 only one fee of £12 shall be charged in respect of all insertions in the <i>London Gazette</i> after that date; and (ii) where the receiving order was made on or after 1 January 1980 and before 18 August 1980 no fee shall be charged in respect of any insertions in the <i>London Gazette</i> made on or after 1 January 1980. | 16.25 |
| 12 | For travelling, keeping possession, legal costs and other reasonable expenses of the Official Receiver, the amount disbursed. | |
| 13 | On the amounts paid into the Insolvency Services Account by trustees (including the Official Receiver when he is trustee) under section 89 of the Act and by the Official Receiver as receiver pursuant to section 7 of the Act (after deducting any sums paid to secured creditors in respect of their securities and any sums spent out of money received in carrying on the business of the debtor) a fee in accordance with the following scale:— (a) on the first £50,000 or fraction thereof (b) on the next £50,000 or fraction thereof (c) on the next £400,000 or fraction thereof (d) on the next £500,000 or fraction thereof (e) on the next £4,000,000 or fraction thereof (f) on all further amounts | per cent 10.00 per cent 7.50 per cent 6.50 per cent 3.75 per cent 2.00 per cent 1.00 |
| 14 | On each dividend payable order issued by the Department | 0.30 |

| No. of Fee | Description of Proceeding | Amount £ |
|------------|--|-------------|
| 15 | <p>When</p> <ul style="list-style-type: none"> (i) the Official Receiver is receiver and the receiving order is rescinded on the ground that it ought not to have been made, or (ii) the Official Receiver is the trustee and the order of adjudication is annulled on the ground that it ought not to have been made— <p>such amount as the Court may consider it reasonable to direct the petitioning creditor or debtor to pay the Official Receiver in respect of his services.</p> | |
| 16 | <p>When the Official Receiver is interim receiver pursuant to section 8 of the Act, such amount as the Court, on the application of the Official Receiver, may consider it reasonable to direct the petitioning creditor or debtor to pay to him.</p> | |
| 17 | <p>When</p> <ul style="list-style-type: none"> (a) the Official Receiver is receiver and the receiving order is rescinded on the ground that the Court is satisfied that the debts of the debtor have been or will be paid in full, or (b) the Official Receiver is trustee and the order of adjudication is annulled on the ground that the debts are paid in full with statutory interest (if appropriate) and the amount required to pay the debts, costs, fees and expenses of the proceedings is or has been: <ul style="list-style-type: none"> (i) distributed by the Official Receiver and is, or could have been, provided from the debtor's assets—the scale fees calculated under Fees No. 8, 9 and 13 on the amount so distributed; (ii) provided by a third party and distributed by the Official Receiver, the debtor being without assets—the scale fees calculated under Fees No. 9 and 13 on the amount so distributed; (iii) distributed by the Official Receiver and is, or could have been, paid in part from the debtor's assets, the balance being provided by a third party—the fees prescribed in (i) and (ii) above to the extent that each applies but only to the extent that Fees No. 8, 9 and 13 have not already been charged; (iv) distributed to unsecured creditors outside the proceedings with money provided by a third party—the scale fee calculated under Fee No. 13 and half the scale fee calculated under Fee No. 9, each on the amount so distributed. | |

| No. of Fee | Description of Proceeding | Amount £ |
|------------|---|-------------|
| 18 | For the performance by the Official Receiver of his general duties as Official Receiver and in addition to any other fee payable hereunder— | |
| | (1) where the receiving order was made on or after 13 July 1982 but before 1 December 1985 and the debtor is adjudged bankrupt | 222.00 |
| | (2) where the receiving order was made on or after 1 December 1985 and the debtor is adjudged bankrupt | 245.00 |
| 19 | Where the Official Receiver performs any duty not provided for in this Table, such amount as the Court, on the application of the Official Receiver with the sanction of the Secretary of State, may consider reasonable. | |

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Bankruptcy Fees Order 1984 by inserting a new Table B in the Schedule to that Order. It increases with effect from 1 December 1985 Fees No. 1 to 4, 6, 10(a) and (b), 13 and 17 set out in Table B in the Schedule to the 1984 Order in respect of certain bankruptcy proceedings. (The last four fees are renumbered as 10, 11, 14 and 18.) It is estimated that the total amount of fees collected per annum at the new levels will be 10 per cent greater than the amount collected per annum at the existing levels.

The Order also changes the time at which Fees No. 5 and 12 (now 13) are charged to the time payment is made into the Insolvency Services Account. At present Fee No. 5 is charged when money is paid out of the Account, and Fee No. 12 after the submission of the trustee's six monthly accounts. The level of Fees No. 5 and 12 remains the same.

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