
STATUTORY INSTRUMENTS

1999 No. 752 (S. 56)

INSOLVENCY

BANKRUPTCY, SCOTLAND

The Bankruptcy Fees (Scotland) Amendment Regulations 1999

Made - - - - *8th March 1999*

Laid before Parliament *14th March 1999*

Coming into force - - *1st April 1999*

The Secretary of State, in exercise of the powers conferred on him by sections 69A, 72 and 73(1) of the Bankruptcy (Scotland) Act 1985(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Bankruptcy Fees (Scotland) Amendment Regulations 1999 and shall come into force on 1st April 1999.

Interpretation

2. In these Regulations—
“the principal Regulations” means the Bankruptcy Fees (Scotland) Regulations 1993(2).

Amendment of the principal Regulations

3. In regulation 2 of the principal Regulations (interpretation) after the definition of “the 1985 Act”, the word “and,” shall be omitted and there shall be inserted—

““enactment” includes an enactment comprised in subordinate legislation;

“expenses of realisation” means any outlays incurred by the permanent trustee in realising the debtor’s estate which in the course of normal business practice are deducted from the price payable to him;

“statutory fee” means any fee payable under an enactment;

(1) 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.

(2) S.I. 1993/486.

“trading expenses” means any outlays incurred by the permanent trustee in the carrying on of any business of the debtor;”.

4. For the Schedule to the principal Regulations there shall be substituted—

“SCHEDULE

Regulations 3 and 6

TABLE OF FEES

PART I

<i>Column 1 (Functions)</i>	<i>Column 2 (Rates)</i>
<p>1. In respect of the exercise by or on behalf of the Accountant in Bankruptcy of his functions as interim trustee in a sequestration where he is not appointed as permanent trustee in that sequestration—</p> <p style="padding-left: 40px;">(a) in respect of each of the first five hours of work;</p> <p style="padding-left: 40px;">(b) in respect of each subsequent hour of work</p>	<p>£31 per hour</p> <p>£55 per hour</p>
<p>2. In respect of the exercise by or on behalf of the Accountant in Bankruptcy of his functions as interim and permanent trustee, or as permanent trustee, in a sequestration, other than in respect of the realisation of assets in the sequestrated estate—</p> <p style="padding-left: 40px;">(a) in respect of each of the first 21 hours of work;</p> <p style="padding-left: 40px;">(b) in respect of each subsequent hour of work</p>	<p>£31 per hour</p> <p>£55 per hour</p>
<p>3. In respect of the exercise by or on behalf of the Accountant in Bankruptcy of his functions as permanent trustee in a sequestration in relation to the realisation of assets in the sequestrated estate—</p> <p style="padding-left: 40px;">(a) in respect of the total price paid in a transaction by the purchaser of heritable property, including any interest paid thereon, but after the deduction of any sums paid to secured creditors in respect of their securities over that property—</p> <p style="padding-left: 80px;">(i) on the first £10,000 or fraction thereof;</p> <p style="padding-left: 80px;">(ii) on the next £10,000 or fraction thereof;</p> <p style="padding-left: 80px;">(iii) on all further sums;</p>	<p>5% of that amount</p> <p>1% of that amount</p> <p>0.5% of that amount</p>

<i>Column 1 (Functions)</i>	<i>Column 2 (Rates)</i>
(b) in respect of the proceeds of the sale of moveable property, after the deduction of the expenses of sale and any sums paid to secured creditors in respect of their securities over that property.	5% of that amount
4. In respect of the exercise on behalf of the Accountant in Bankruptcy of his functions as permanent trustee in relation to the payment of dividends to creditors.	Whichever is the greater of – (a) the sum payable for the total work carried out at a rate of £30 per hour; or (b) £60 plus £30 in respect of each creditor who is paid a dividend

PART II

<i>Column 1 (Functions)</i>	<i>Column 2 (Fee Payable)</i>
1. For registering award of sequestration	£16.00
2. For registering copy act and warrant	£16.00
3. For supervising proceedings in sequestration–	£110.00
(a) where commissioners have been elected;	
(b) where no commissioners have been elected;	£165.00
(c) where the Accountant in Bankruptcy is the permanent trustee	£110.00
4. For supervising payment of dividend to creditors where no commissioners have been elected	£55.00
5. For any special report to the court	£55.00
6. For considering and issuing a determination in an appeal against a determination of commissioners as to the outlays and remuneration payable to a permanent trustee	5% of the sum remaining on deduction from the sum of outlays and remuneration determined by the Accountant in Bankruptcy of any outlays incurred by way of statutory fees, trading expenses or expenses of realisation
7. For issuing a determination fixing the outlays and remuneration payable to–	17.5% of the sum remaining on deduction from the sum of outlays and remuneration determined of any outlays incurred by way of statutory fees, trading expenses or expenses of realisation
(a) an interim trustee; or	
(b) a permanent trustee	
8. For examination of the sederunt book and related work, in connection with the discharge of a permanent trustee	£28.00

<i>Column 1 (Functions)</i>	<i>Column 2 (Fee Payable)</i>
9. For granting a certificate of discharge to an interim trustee	£28.00
10. For granting a certificate of discharge to a debtor	£ 8.00
11. For providing a certified copy of an entry in the register of insolvencies	£19.00
12. For the certifying of any other document (excluding copying charges)	£13.00
13. For providing a copy of any document–	£ 8.00
(a) by photocopying–	
(i) 10 pages or less	
(ii) each page after first 10	£ 0.25
(b) in an electronic medium or by printout from records held on computer – per document	£ 0.10
14. For searches in the register of insolvencies–	£16.00
(a) where the search is carried out by staff of the Accountant in Bankruptcy – for each half hour or part thereof	
(b) where searches are carried out by remote direct access by computer – for each half hour or part thereof	£16.00
15. For attendance at any meeting of creditors – fee per hour or part thereof, including travelling time	£55.00
16. For calling any meeting of creditors	£28.00
17. For attendance at any examination of the debtor – fee per hour or part thereof, including travelling time	£55.00
18. For registering protected trust deed	£28
19. For auditing the accounts of a trustee under a protected trust deed and fixing his remuneration	5% of the sum remaining on deduction from the sum of outlays and remuneration determined of any outlays incurred by way of statutory fees, trading expenses or expenses of realisation
20. For lodging any sum in an appropriate bank or institution on consignation	£10.00
21. For uplifting any sum lodged in an appropriate bank or institution on consignation	£10.00”

St Andrew's House,
Edinburgh
4th March 1999

Henry B McLeish
Minister of State, Scottish Office

We concur,

8th March 1999

Clive Betts
Bob Ainsworth
Two of the Lords Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 his functions under the Bankruptcy (Scotland) Act 1985.