STATUTORY RULES OF NORTHERN IRELAND

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The Insolvency Rules (Northern Ireland) 1991

PARTS 5 AND 6INSOLVENCY OF INDIVIDUALS; BANKRUPTCY

PART 6

BANKRUPTCY

CHAPTER 23

ORDER OF PAYMENT OF COSTS OUT OF ESTATE

General rule as to priority

6.222.—(1) The expenses of the bankruptcy are, subject to any order of the court, payable out of the estate in the following order of priority—

(a) expenses properly chargeable or incurred by the official receiver or the trustee in preserving, realising or getting in any of the assets of the bankrupt, including those incurred in acquiring title to after acquired property;

(b) any other expenses incurred or disbursements made by the official receiver or under his authority, including those incurred or made in carrying on the business of a debtor or bankrupt;

(c) (i) the fee payable under any order made under Article 361 for the performance by the official receiver of his general duties as official receiver;

  (ii) any repayable deposit lodged by the petitioner under any such order as security for the fee mentioned in head (i) (except where the deposit is applied to the payment of the remuneration of an insolvency practitioner appointed under Article 247 (debtor's petition));

(d) any other fees payable under any order made under Article 361, including those payable to the official receiver, and any remuneration payable to him under general regulations;

(e) the cost of any security provided by an interim receiver, trustee or special manager in accordance with the Order or the Rules;

(f) the remuneration of the interim receiver (if any);

(g) any deposit lodged on an application for the appointment of an interim receiver;

(h) the costs of the petitioner, and of any person appearing on the petition whose costs are allowed by the court;

(j) the remuneration of the special manager (if any);

(k) any amount payable to a person employed or authorised, under Chapter 5, to assist in the preparation of a statement of affairs or of accounts;

(l) any allowance made, by order of the court, towards costs on an application for release from the obligation to submit a statement of affairs, or for an extension of time for submitting such a statement;

(m) any necessary disbursements by the trustee in the course of his administration (including any expenses incurred by members of the creditors' committee or their representatives and allowed by the trustee under Rule 6.161, but not including any payment of capital gains tax in circumstances referred to in sub-paragraph (p));

(n) the remuneration or emoluments of any person (including the bankrupt) who has been employed by the trustee to perform any services for the estate, as required or authorised by or under the Order or the Rules;

(o) the remuneration of the trustee, up to any amount not exceeding that which is payable to the official receiver under general regulations;

(p) the amount of any capital gains tax on chargeable gains accruing on the realisation of any asset of the bankrupt (without regard to whether the realisation is effected by the trustee, a secured creditor, or a receiver or manager appointed to deal with a security);

(q) the balance, after payment of any sums due under sub-paragraph (o), of any remuneration due to the trustee.

(2) The costs of employing a shorthand writer, if appointed by an order of the court made at the instance of the official receiver in connection with an examination, rank in priority with those specified in paragraph (1)(a). The costs of employing a shorthand writer so appointed in any other case rank after the allowance mentioned in paragraph (1)(l) and before the disbursements mentioned in paragraph (1)(m).

(3) Paragraph (2) shall apply to the costs of a mechanical recording as it applies to the costs of a shorthand writer.

(4) Any expenses incurred in holding an examination under Rule 6.171 (examinee unfit), where the application for it is made by the official receiver, rank in priority with those specified in paragraph (1)(a).

[E.R.6.224]