

1972 No. 1054 (L.9)

BANKRUPTCY, ENGLAND

The Bankruptcy Fees (Amendment) Order 1972

Made - - - 12th July 1972*Coming into Operation* 14th August 1972

The Lord Chancellor and the Treasury, in exercise of the powers conferred on them by section 133 of the Bankruptcy Act 1914(a) and sections 2 and 3 of the Public Offices Fees Act 1879(b), hereby make, sanction and consent to the following Order:—

1.—(1) This Order may be cited as the Bankruptcy Fees (Amendment) Order 1972 and shall come into operation on 14th August 1972.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) In this Order, a fee referred to by number shall mean a fee so numbered in Table B in the Schedule to the Bankruptcy Fees Order 1970(d) as amended (e).

2. The Bankruptcy Fees Order 1970, as amended, shall have effect subject to the following amendments:—

- (1) In Fee No. 7(i), for the figures “£11.0.0.” and “£11·00”, “£15.0.0.” and “£15·00”, and “£3.10.0.” and “£3·50” there shall be substituted the figures “£13.10.0.” and “£13·50”, “£19.0.0.” and “£19·00”, and “£4.10.0.” and “£4·50” respectively.
- (2) In Fee No. 7(ii), for the figures “£16.10.0.” and “£16·50”, and “£5.10.0.” and “£5·50” there shall be substituted the figures “£20.10.0.” and “£20·50”, and “£7.0.0.” and “£7·00” respectively.
- (3) In Fee No. 10, for the figures “£3.0.0.” and “£3·00”, “£2.0.0.” and “£2·00”, and “£1.0.0.” and “£1·00” there shall be substituted the figures “£4.0.0.” and “£4·00”, “£3.0.0.” and “£3·00”, and “£1.10.0.” and “£1·50” respectively.
- (4) In Fee No. 11, for the figures “£3.0.0.” and “£3·00”, and “£2.0.0.” and “£2·00” there shall be substituted the figures “£4.0.0.” and “£4·00”, and “£3.0.0.” and “£3·00” respectively.
- (5) For Fee No. 13 there shall be substituted the following fees:—

“13. Where the Official Receiver acts as interim receiver pending the appointment of a trustee and the receiving order is rescinded on the ground that it ought not to have been made, or where the Official Receiver acts both as interim receiver and as trustee and

(a) 1914 c. 59.

(c) 1889 c. 63.

(e) There is no relevant amending Order.

(b) 1879 c. 58.

(d) S.I. 1970/2007 (1970 III, p. 6524).

the order of adjudication is annulled on the ground that it ought not to have been made, such amount as the court may consider reasonable to be paid by the petitioning creditor or by the debtor, as the court may direct, in respect of the services of the Official Receiver as interim receiver or trustee.

14. Where the Official Receiver acts as interim receiver pending the appointment of a trustee and the receiving order is rescinded on the ground that it has been proved to the satisfaction of the court that the debts of the debtor will be paid in full:—

- (a) where the amount required to pay the debts and the costs, fees and expenses of the proceedings as reported by the Official Receiver is, or could be, provided from money or property belonging to the debtor, or by the sale or charge of his property, the amounts prescribed in Fees 3, 5 and 11 of this Table.
- (b) where the amount required to pay the debts and costs, fees and expenses of the proceedings as reported by the Official Receiver is paid by a third party to the Official Receiver for distribution to the creditors and the Official Receiver so distributes it, the amounts prescribed in Fees 5 and 11 of this Table.
- (c) where the money belonging to the debtor of the sum which is, or could be, realised by the sale or charge of his property is insufficient to pay the amount required to pay the debts and the costs, fees and expenses of the proceedings as reported by the Official Receiver and the amount, or balance, required is paid by a third party to the Official Receiver for distribution to the creditors and is so distributed, then the fees prescribed in (a) and (b) above shall each apply to the extent to which they are appropriate.
- (d) where the amount required to pay the debts as reported by the Official Receiver is distributed to unsecured creditors outside the proceedings, with money provided by a third party, half the amounts prescribed in Fees 5 and 11 of this Table:

Provided that if for any reason the Official Receiver satisfies the Treasury that the above fees would be excessive, such reduction may be made in the said fees as may appear to the Treasury to be reasonable.

15. Where the Official Receiver performs duties not provided for in the foregoing Table, such amount as the court, on the application of the Official Receiver, may consider reasonable.”

Dated 10th July 1972.

Hailsham of St. Marylebone, C.

Dated 12th July 1972.

*Oscar Murton,
Hugh Rossi,
Two of the Lords Commissioners
of Her Majesty's Treasury.*

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order increases certain fees taken in bankruptcy proceedings. It also provides for the fees to be taken where the Official Receiver acts as an interim receiver.

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