

1987 No. 419

BANKRUPTCY**The Bankruptcy (Fees and Deposit) Regulations
(Northern Ireland) 1987**

Made 10th November 1987

Coming into operation 1st January 1988

The Department of Economic Development, in exercise of the powers conferred by Article 34(1) of the Bankruptcy Amendment (Northern Ireland) Order 1980(a) and now vested in it(b) and of every other power enabling it in that behalf, with the concurrence of the Department of Finance and Personnel(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Bankruptcy (Fees and Deposit) Regulations (Northern Ireland) 1987 and shall come into operation on 1st January 1988.

Interpretation

2. In these Regulations “the Order” means the Bankruptcy Amendment (Northern Ireland) Order 1980.

Fees payable

3.—(1) The fees to be taken in respect of the proceedings and matters specified in the first column of the Schedule shall be those specified opposite thereto in the second column of the Schedule.

(2) Where proceedings and matters specified in the Schedule attract Value Added Tax, the fees payable in respect of those proceedings or matters shall be increased by 15 per cent. Value Added Tax.

Deposit

4.—(1) Subject to paragraph (2), the deposit to be made under the Bankruptcy Acts for the purpose of covering the costs to be incurred by the Official Assignee shall be—

- (i) £50 in the administration of an arrangement; and
- (ii) £200 in a bankruptcy or in the administration of a deceased insolvent’s estate.

(2) Payment of a deposit shall not be required on a bankruptcy petition by a debtor upon the Official Assignee being satisfied that the debtor’s assets

(a) S.I. 1980/561 (N.I. 4)

(b) By S.I. 1982/846 (N.I. 11) Art. 4

(c) Formerly the Department of Finance. See S.I. 1982/338 (N.I. 6) Art. 3

which may be immediately or promptly realised are sufficient to produce the sum of at least £400 over and above the value of the articles excepted by section 298(a) of the Act of 1857 and issuing a certificate that the payment of a deposit has been dispensed with pursuant to these Regulations.

Revocation

5.—(1) Subject to paragraph (2), The Bankruptcy (Fees and Deposit) Regulations (Northern Ireland) 1985(b) are hereby revoked.

(2) Where a bankrupt or arranging debtor has made an offer of composition before the coming into operation of these Regulations the fees payable in such proceedings shall be assessed as if these Regulations had not been made.

Sealed with the Official Seal of the Department of Economic Development on 10th November 1987.

(L.S.)

R. G. Smartt

Assistant Secretary

The Department of Finance and Personnel hereby concurs with the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 10th November 1987.

(L.S.)

D. W. Alexander

Assistant Secretary

(a) As substituted by 1969 c. 30 (N.I.) s. 130 Sch. 4 Pt. II; relevant amending Order is S.I. 1980/561 (N.I. 4) Art. 44(2)(a) and Sch. 2
(b) S.R. 1985 No. 195

Column 1 Description of Proceeding or Matter	Column 2 Fee
1. Supervision by the Official Assignee of the carrying on of the business of a bankrupt or deceased insolvent	£67·00 per week or part thereof
2. Taking an affidavit, affirmation or declaration, except proof of debt— (a) for each person making the same	£3·00
(b) for each exhibit or schedule to be marked	£0·75
3. The payments made by the Official Assignee into the Insolvency Account as assignee of the estate of a bankrupt, arranging debtor or deceased debtor under sections 267, 268 or 349 of the Act of 1857 or section 21(4) of the Bankruptcy Amendment Act (Northern Ireland) 1929(a) after deducting— (a) any sums paid to a person employed to assist the Official Assignee where such payment has been authorised by the Court; (b) any sums paid to secured creditors in respect of their securities; (c) any sums spent in carrying on the business of the bankrupt, arranging debtor or deceased debtor; and (d) any sums received by the Official Assignee from a receiver who has been appointed in the administration of an arrangement— (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 any further amount	20 per cent. of that amount 15 per cent. of that amount 10 per cent. of that amount 5 per cent. of that amount

(a) 1929 c. 1 (N.I.) (20 Geo. 5)

Column 1 Description of Proceeding or Matter	Column 2 Fee
<p>4. The distribution of money to creditors by the Official Assignee—</p> <p>(i) on the first £5,000 or fraction thereof</p> <p>(ii) on the next £5,000 or fraction thereof</p> <p>(iii) on the next £90,000 or fraction thereof</p> <p>(iv) on any further amount</p>	<p>10 per cent. of that amount</p> <p>7.5 per cent. of that amount</p> <p>5 per cent. of that amount</p> <p>2.5 per cent. of that amount</p>
<p>5. Expenses incurred by the Official Assignee in respect of official stationery, printing, postage and telephones, including notices to creditors of meetings and sittings of the Court—</p> <p>(a) Where the number of creditors does not exceed 25</p> <p>(b) Where the number of creditors exceeds 25</p>	<p>£129·00</p> <p>the fee prescribed in sub-paragraph (a) plus £37·00 for each additional 10 creditors or fraction thereof</p>
<p>6. The services of the Official Assignee where the order of adjudication of bankruptcy is annulled otherwise than under section 149 of the Act of 1857 and where the fee prescribed in paragraph 7 is not payable</p>	<p>£40·00</p>
<p>7. Where the order of adjudication of bankruptcy is annulled on the consent of the creditors and the amount required to pay the debts, costs, fees and expenses of the proceedings is or has been:</p> <p>(a) (i) distributed by the Official Assignee and is, or could have been, provided from the bankrupt's assets</p> <p>(ii) provided by a third party and distributed by the Official Assignee, the bankrupt being without assets</p>	<p>The sum of the appropriate percentages prescribed by paragraphs 3 and 4 calculated on the amount distributed</p> <p>The appropriate percentage prescribed by paragraph 4 calculated on the amount distributed</p>

Column 1 Description of Proceeding or Matter	Column 2 Fee
<p>(iii) distributed by the Official Assignee and is, or could have been, paid in part from the bankrupt's assets, the balance being provided by a third party but only to the extent that the fees prescribed by paragraphs 3 and 4 have not already been charged; and</p>	<p>The fees prescribed in heads (i) and (ii) above to the extent that each applies</p>
<p>(b) distributed to unsecured creditors outside the proceedings with money provided by a third party</p>	<p>Half of the appropriate percentage prescribed by paragraph 4 in relation to the amount distributed</p>
<p>8. Where the Official Assignee has been appointed receiver following the presentation of a bankruptcy or arrangement petition</p>	<p>£130·00</p>
<p>9. The withdrawal or dismissal of an arrangement petition or where on the default of the debtor, an order is made that no further proceedings be had in the arrangement</p>	<p>£33·00</p>
<p>10. An application—</p>	
<p>(1) for an order of discharge under Article 28 of the Order</p>	<p>£67·00</p>
<p>(2) by the debtor to review an order, or refusal, of discharge</p>	<p>£67·00</p>
<p>11. An application to the Department under Article 24 of the Order for a payment from the Insolvency Account or the Consolidated Fund or for the reissue of a cheque or payable order in respect of moneys standing to the credit of the Insolvency Account</p>	<p>£4·00</p>
<p>12. Payments out of money which was paid into the Insolvency Account before 1st January 1988 and on payment of money into the Insolvency Account on and after 1st January 1988 under Article 24 of the Order</p>	<p>1.25 per cent. of those payments</p>

Column 1 Description of Proceeding or Matter	Column 2 Fee
13. On the first £10,000 or fraction thereof paid into the Insolvency Account 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 a bankrupt, arranging debtor or deceased insolvent where the Official Assignee furnishes the Department with an account under Article 4 of the Order	5 per cent. of those payments
14. Where a receiver other than the Official Assignee has been appointed in the administration of an arrangement and the fee prescribed by paragraph 4 has not been charged	Half of the appropriate percentage prescribed by paragraph 4 in relation to the amount involved in the arrangement

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which provide for the fees to be taken and the deposits to be made under the Bankruptcy Acts in respect of the Official Assignee's services and costs, revoke and re-enact with amendments the Bankruptcy (Fees and Deposit) Regulations (Northern Ireland) 1985. The changes of substance are as follows.

Fees Nos. 1.5(a), 5(b), 10(1) and 10(2) in the Schedule have been increased by between 9% and 13% approximately. Fee No. 11 has been increased by approximately 21% and Fees Nos. 6, 8 and 9 have been increased by approximately one third. The level of the deposits and of other fees remains the same.

The Regulations also change the time at which Fee No. 12 is charged to the time payment is made into the Insolvency Account instead of when money is paid out of the Account.