

## 1991 No. 296

## FEES AND CHARGES

**Department of Economic Development (Fees) Order  
(Northern Ireland) 1991**

*Made* . . . . . 8th July 1991

*Coming into operation* . . . . . 20th August 1991

*To be laid before Parliament under paragraph 3(3) of  
Schedule 1 to the Northern Ireland Act 1974(a)*

The Department of Economic Development, in exercise of the powers conferred on it by Article 3 of the Fees &c (Northern Ireland) Order 1988(b) and of every other power enabling it in that behalf, hereby makes the following Order:

*Citation and commencement*

1. This Order may be cited as the Department of Economic Development (Fees) Order (Northern Ireland) 1991 and shall come into operation on 20th August 1991.

*Interpretation*

2. In this Order —

“the 1988 Order” means the Fees &c (Northern Ireland) Order 1988;

“the Insolvency Order” means the Insolvency (Northern Ireland) Order 1989(c);

“the Companies Order” means the Companies (Northern Ireland) Order 1989(d);

“the Department” means the Department of Economic Development; and

“the registrar” means the registrar, and any deputy to the registrar, appointed under Article 210 of the Insolvency Order.

*Fees payable to the Department in respect of insolvency*

3.—(1) In relation to the power of the Department to specify fees under Article 361(1)(b) and (3) of the Insolvency Order, and Article 361(1)(a) and (3) of that Order in so far as it is concerned with the performance by the registrar of functions under that Order, the functions specified for the purposes of Article 3(3) of the 1988 Order shall be those specified in Schedule 1.

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(a) 1974 c. 28

(b) S.I. 1988/929 (N.I. 8)

(c) S.I. 1989/2405 (N.I. 19)

(d) S.I. 1989/2404 (N.I. 18)

(2) In relation to the functions specified in paragraph (1), the matters specified for the purposes of Article 3(4) of the 1988 Order shall be those specified in Schedule 2.

Sealed with the Official Seal of the Department of Economic  
Development on 8th July 1991.

(L.S.)

*A. H. McAlister*

Assistant Secretary

SCHEDULE 1

Article 3(1)

1. Functions of the official receivers as provisional liquidators, interim receivers of debtors' property, trustees of bankrupts' estates, receivers and liquidators and in their capacities as official receivers under the Insolvency Order and the Companies Order and subordinate legislation made under those Orders.
2. Functions of the registrar under the Insolvency Order and subordinate legislation made under that Order.
3. Functions of the Department under the Insolvency Order and the Companies Order and subordinate legislation made under those Orders.
4. Functions of the official receivers and the Department in relation to the investigation and prosecution of fraud or other malpractice in respect of the affairs of bankrupts and bodies in liquidation.
5. Functions of the Department in relation to the supervision of the operation of all the insolvency and related procedures set out in the Insolvency Order and the Companies Order including the development and implementation of proposals for the modification or improvement of those procedures by primary or subordinate legislation and the consideration of and contribution to proposals for other United Kingdom legislation having an impact on those procedures.
6. Functions of the Department in relation to anything done by the European Communities or any of their institutions, or any international instruments, in relation to insolvency and the maintenance of relations with authorities and other persons both within and outside Northern Ireland in respect of insolvency matters.

## SCHEDULE 2

## Article 3(2)

1. All costs incurred by the Department, official receivers and the registrar which are directly attributable to the functions specified in Schedule 1.
2. The proportion of the costs, not falling within paragraph 1, incurred by, or on behalf of, any of the persons specified in paragraph 1, in relation to staff, equipment, premises, facilities and matters connected, whether directly or indirectly, therewith, being the proportion which falls to be attributed to any of the functions specified in Schedule 1.
3. A return on the resources employed in carrying out any of the functions specified in Schedule 1.
4. The allocation of a sum in respect of matters which would otherwise be covered by insurance, the allocation of a sum in respect of superannuation payments and provision for bad debts, in relation to any of the functions specified in Schedule 1.
5. The recovery of any past deficits incurred in relation to any of the functions specified in Schedule 1.
6. Amounts recovered in relation to any of the functions specified in Schedule 1 other than from such fees as are referred to in this Order.
7. The allocation, over a period of years, of an initial or exceptional cost in relation to any of the functions specified in Schedule 1.

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EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order specifies functions and matters which are to be taken into account in the determination by the Department of Economic Development of fees payable in respect of certain activities concerning insolvency to be specified by the Department of Economic Development with the concurrence of the Department of Finance and Personnel as appropriate.