

2011 No. 389

INSOLVENCY

**The Insolvency Practitioners and Insolvency Account (Fees)
(Amendment) Order (Northern Ireland) 2011**

Made - - - - - *4th November 2011*

Coming into operation - - - - - *31st January 2012*

The Department of Enterprise, Trade and Investment (a), with the concurrence of the Department of Finance and Personnel, makes the following Order in exercise of the powers conferred by Articles 361(3) and 361A(1), (3) and (5) of the Insolvency (Northern Ireland) Order 1989(b).

Citation and commencement

1. This order may be cited as the Insolvency Practitioners and Insolvency Account (Fees) (Amendment) Order (Northern Ireland) 2011 and comes into operation on 31st January 2012.

Amendment of the Insolvency Practitioners and Insolvency Account (Fees) Order (Northern Ireland) 2006

2. Subject to article 5, the Insolvency Practitioners and Insolvency Account (Fees) Order (Northern Ireland) 2006 (c) is amended in accordance with articles 3 and 4.

Fees payable in connection with the recognition of professional bodies pursuant to Article 350 of the 1989 Order

3. In article 2 for paragraph (2) substitute—

“(2) On or before 1st April 2012 and on or before 1st April in each subsequent year, there shall be paid to the Department by each body recognised pursuant to Article 350 of the 1989 Order in respect of the maintenance of that body’s recognition pursuant to that Article, a fee calculated by multiplying £60 by the number of persons who as at 1st January in that year were authorised to act as insolvency practitioners by virtue of membership of that body.”.

Fees payable in connection with the operation of the Insolvency Account

4. In the Schedule, in paragraph 2, in the Table of Fees—

(a) in relation to Fee No. 1 (banking fee; winding up by the High Court and bankruptcy), for “£15.00” substitute “£18.00”;

(a) Formerly the Department of Economic Development; see S.I. 1999/283 (N.I. 1), Article 3(5)
(b) S.I. 1989/2405 (N.I. 19); Article 361A was inserted by Article 26 of the Insolvency (Northern Ireland) Order 2005 (S.I.2005/1455 (N.I. 10)). There are amendments to Articles 361 and 361A which are not relevant to this Order
(c) S.R. 2006 No. 53, as amended by S.R. 2009 No. 204 and S.R. 2009 No. 402

(b) after the entry in respect of Fee No. 1B insert the following entry—

“1C	Payment of unclaimed dividends or other money – voluntary winding up Where any money is paid into the Insolvency Account pursuant to regulation 3B, that payment shall be accompanied by a fee in respect of each company to which it relates of—	£25.00”;
-----	---	----------

(c) in relation to Fee No. 2 (cheque etc. issue fee), for “£0.80” substitute “£1.00”.

Transitional provisions

5. The amendments made by article 4 only apply in respect of payments into or out of the Insolvency Account on or after 31st January 2012.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 4th November 2011.



Michael J Bohill
A senior officer of the
Department of Enterprise, Trade and Investment

The Department of Finance and Personnel concurs

Sealed with the Official Seal of the Department of Finance and Personnel on 4th November 2011.



Michael Daly
A senior officer of the
Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Insolvency Practitioners and Insolvency Account (Fees) Order (Northern Ireland) 2006 (S.R. 2006 No.53) by increasing fees to be paid in connection with the recognition by the Department of insolvency practitioners' professional bodies. Article 3 increases the fee to be paid in relation to each individual member of each body from £50 to £60.

Article 4(a) increases the "banking fee" from £15 to £18. This is a fee payable out of insolvent estates for banking funds into the Insolvency Account in respect of bankruptcies and winding-ups by the court.

Article 4(b) inserts a new fee (1C) where unclaimed or undistributed dividends or other monies are paid into the Insolvency Account following a voluntary winding up of a company. The fee is £25 for each payment into the account of any unclaimed funds in respect of each company to which those funds relate.

Article 4(c) increases from £0.80 to £1.00 the fee payable for the issue or reissue of any cheque, money or payable order in respect of monies in the Insolvency Account.

Article 5 makes transitional provisions for the application of this Order.

A Regulatory Impact Assessment (RIA) has not been prepared for this Order. An RIA was prepared for the Insolvency (Northern Ireland) Order 2005 which deals with the restructuring of the system for insolvency fees. Copies of this are available from the Legislation Unit, The Insolvency Service, Fermanagh House, 20A Ormeau Avenue, Belfast BT2 8NJ.

© Crown copyright 2011

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

STATUTORY RULES OF NORTHERN IRELAND

2011 No. 389

INSOLVENCY

The Insolvency Practitioners and Insolvency Account (Fees)
(Amendment) Order (Northern Ireland) 2011

£4.00

N5117 11/2011 415117T 19585

ISBN 978-0-337-98582-9



9 780337 985829