STATUTORY INSTRUMENTS

1978 No. 1224 (L. 28)

BANKRUPTCY, ENGLAND

The Bankruptcy (Amendment No. 2) Rules 1978

Made - - - -	15*th August* 1978
Laid before Parliament	25*th August* 1978
Coming into Operation	1*st October* 1978

The Lord Chancellor, in exercise of the powers conferred on him by section 132 of the Bankruptcy Act 1914(**a**), with the concurrence of the Secretary of State for Trade, and after consulting the committee appointed under section 10 of the Insolvency Act 1976(**b**), hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Bankruptcy (Amendment No. 2) Rules 1978 and shall come into operation on 1st October 1978.

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

2. For Appendix III to the Bankruptcy Rules 1952(**d**) as amended(**e**) there shall be substituted the Appendix set out in Schedule I to these Rules.

Dated 1st August 1978. *Elwyn-Jones,* C.

I concur,

Dated 15th August 1978. *Edmund Dell,* Secretary of State for Trade.

(**a**) 1914 c. 59. (**b**) 1976 c. 60. (**c**) 1889 c. 63. (**d**) S.I. 1952/2113.
(**e**) The relevant amending instrument is S.I. 1970/1868.

APPENDIX III

SCALE OF ALLOWANCES TO AUCTIONEERS AND BROKERS

The following charges shall be subject to reduction by agreement with the Official Receiver or the trustee, or to increase with the sanction of the committee of inspection and the Secretary of State for Trade.

Chattels	£
For inventory only, not exceeding one foolscap or A4 ISO page and one copy	7.50
For every additional page and one copy	2.00

For inventory and valuation:—

On the first £1,000	5.00 per cent Minimum Fee £20.00
On the next £1,500	2.50 per cent
Above £2,500	1.75 per cent

For sales by private contract based on the valuation, half the above charges for inventory and valuation.

For sales by auction, in addition to such out-of-pocket expenses as may be authorised at the time by the Official Receiver or trustee:—

On the first £3,000	7.50 per cent
Above £3,000	5.00 per cent

Where the sale is held on the auctioneers' premises, an inclusive charge to include all out-of-pocket expenses except costs of removal:—

On the first £3,000	12.50 per cent
Above £3,000	10.00 per cent

Land

For valuation of property and reporting thereon, a fee to be fixed by agreement but not to exceed:—

On the first £1,000	1.050 per cent
On the next £9,000	0.525 per cent
Above £10,000	0.250 per cent

For sales by auction, including prior valuations, for determining amount of reserve bids and for sales by private contract, including prior valuation:—

On the first £300	5.00 per cent
On the next £1,700	2.50 per cent
Above up to £5,000	1.50 per cent
Above £5,000	1.00 per cent

Costs of surveys, dilapidations and specifications in discretion of Taxing Officer	Not exceeding £5.25 per £100 on the amount of the settlement or on the estimated cost of complying with the schedule of dilapidations. Minimum fee £5.25

The foregoing charges are to be in addition to such out-of-pocket expenses as may be authorised at the time by the Official Receiver or trustee.

General

Allowances for travelling by the auctioneer or broker shall be in the discretion of the Taxing Officer but shall not exceed the actual expenses incurred.

An auctioneer who uses his own car instead of travelling by rail or hired vehicle shall be entitled, if the Taxing Officer is satisfied that such use was reasonable, to an allowance not exceeding 12.3p per mile.

Fees for services not provided for in this Scale may be fixed by agreement with the trustee, with the consent of the committee of inspection and the Secretary of State for Trade.

Any fraction of a penny in the total amount of a charge allowed by this Scale shall be disregarded.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules amend the Bankruptcy Rules 1952 by revising the Scale of Allowances to Auctioneers and Brokers.

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