1952 No. 2114 (L. 15)

The Bankruptcy Fees Order, 1952

Made - - - - 4*th December*, 1952
Coming into Operation 1*st January*, 1953

The Lord Chancellor and the Treasury in pursuance of the powers and authorities vested in them respectively by section 133 of the Bankruptcy Act, 1914(a), and sections 2 and 3 of the Public Offices Fees Act, 1879(b), do hereby, according as the provisions of the said enactments respectively authorize and require him and them, make, sanction and consent to, the following Order:—

1. In this Order "the Act" means the Bankruptcy Act, 1914, and a Rule referred to by number means the Rule so numbered in the Bankruptcy Rules, 1952(c).

2. The fees and percentages to be charged for and in respect of proceedings in bankruptcy shall be those set out in Tables A, B and C in the First Schedule to this Order.

3.—(1) The fees set out in Part I of Table A, if taken in the High Court or the Court of Appeal, shall be taken by impressed stamps, and if taken in a county court, shall be taken in cash:

Provided that—

(*a*) Fee No. 28 (on a proof of debt) shall be taken by adhesive stamps, whether the bankruptcy is in the High Court or a county court;

(*b*) Fee No. 29 (on filing an affidavit) may, if the bankruptcy is in the High Court, be taken by adhesive stamps.

(2) The fees set out in Part II of Table A, being fees to be taken by Official Receivers or in the offices of the Board of Trade, shall be taken by adhesive or impressed stamps.

(3) The fees and percentages set out in Tables B and C shall be taken in cash.

4.—(1) An impressed stamp denoting payment of a fee shall be an impressed judicature fee stamp, and the party presenting the document for stamping shall inform the stamping officer, by means of an indication on the document or otherwise, that the fee relates to a proceeding in bankruptcy.

(2) An adhesive stamp denoting payment of a fee shall be an adhesive fee stamp on which the word "Bankruptcy" has been printed.

5. If any question arises with regard to the payment of any fee, the Registrar or the Official Receiver may report the matter to the Lord Chancellor and obtain his directions thereon.

(a) 4 & 5 Geo. 5. c. 59. (b) 42 & 43 Vict. c. 58. (c) S.I. 1952/2113, p. 213 above.

6.—(1) This Order may be cited as the Bankruptcy Fees Order, 1952.

(2) The Orders set out in the Second Schedule to this Order are hereby revoked.

(3) This Order shall come into operation on the first day of January, 1953.

Dated this fourth day of December, 1952.

Simonds, C.
Edward Heath } Lords Commissioners of
Dennis Vosper } Her Majesty's Treasury.

FIRST SCHEDULE

TABLES OF FEES

TABLE A

Part I

No. of Fee	Description of Proceeding	Amount of Fee
		£ s. d.
1	On filing a declaration by a debtor of inability to pay his debts...	0 7 6
2	On issuing a bankruptcy notice	0 10 0
3	On presenting a bankruptcy petition—	
	(i) If presented by the debtor	5 0 0
	Where the Official Receiver gives a certificate that there is reasonable ground for believing that the assets are sufficient to meet the expenses of administration this fee shall not be charged.	
	(ii) If presented by a creditor	6 0 0
4	On filing a petition under section 130 of the Act—	
	(i) If filed by the personal representative of the deceased debtor	5 0 0
	(ii) If filed by a creditor	6 0 0
5	On sealing a receiving order under section 107 of the Act ...	6 0 0
6	On sealing an order dismissing a petition or granting leave to withdraw a petition	1 0 0
7	On sealing an order adjourning a petition	0 5 0
8	On sealing a vesting order under section 54 of the Act	1 0 0
9	On an application for annulment of adjudication or rescission of receiving order on the ground that the debts have been paid in full	2 0 0
	One fee only shall be charged when annulment and rescission are the subject of one application.	
10	On an application for an order of discharge (including the expense of gazetting the date of the hearing and the order of the court made on the application) in respect of each debtor covered by the application	1 10 0
	and for each creditor to be notified	0 1 0
	These fees are payable on an application to review an order of discharge or to review the refusal of an order of discharge.	
11	On an application for leave to act as director or take part in the management of a company	1 10 0
12	On an application for search other than by petitioner, trustee, bankrupt, or any officer of the court	0 1 6
13	On an application to the court, except by the Official Receiver when applying only in his capacity of Official Receiver and not as trustee	0 7 6
	This fee is not payable on setting down a motion for hearing before a Judge.	

No. of Fee	Description of Proceeding	Amount of Fee £ s. d.
14	On an application to the court to approve a composition, a fee computed at the following rates on the gross amount of the composition—	
	(i) On every £100 or fraction of £100 up to £5,000 ...	1 10 0
	(ii) On every £100 or fraction of £100 beyond £5,000 ...	0 15 0
	For the purpose of calculating this fee, the gross amount means the amount to be provided under the terms of the composition for ordinary and preferential creditors, and for costs, charges and expenses, and for fees and percentages (other than this fee).	
	Where a fee has been taken on a previous application to the court to approve a composition, or where a fee has been paid under Table B on the audit of the accounts, seven-eighths of the amount thereof shall be deducted from the fee payable on an application to approve a composition.	
15	On an application to the court to approve a scheme of arrangement, a fee computed at the following rates on the gross amount of the estimated assets (but not exceeding the gross amount of the unsecured liabilities), viz.:—	
	(i) On every £100 or fraction of £100 up to £5,000 ...	1 10 0
	(ii) On every £100 or fraction of £100 beyond £5,000 ...	0 15 0
	Provided that where a fee has been taken on a previous application to the court to approve a scheme, or where a fee has been paid under Table B on the audit of the accounts, seven-eighths of the amount thereof shall be deducted from the fee payable on an application to approve a scheme.	
16	On setting down a motion for hearing before a Judge sitting in bankruptcy	1 0 0
	This fee does not relate to the hearing of an application to which any one of Fees Nos. 9, 10, 11, 14 *and* 15 *relates.*	
17	On an order of a Judge when sitting in bankruptcy—	
	(i) If made in court	1 0 0
	(ii) If made in chambers	0 10 0
	(iii) If initialled by the Judge but not drawn up	0 3 0
	These fees are not payable—	
	(*a*) *on an order of a Judge of the High Court dealing with judgment summonses under section* 107 *of the Act;*	
	(*b*) *on an order made on the application of an Official Receiver when applying only in his capacity of Official Receiver and not as trustee;*	
	(*c*) *on an order made on an application to which any one of Fees Nos.* 9, 10, 11, 14 *and* 15 *relates; or*	
	(*d*) *on an order to which any one of Fees Nos.* 5, 6, 7 *and* 8 *relates.*	
18	On entering an appeal in bankruptcy—	
	(i) If to the Court of Appeal	2 0 0
	(ii) If to a Divisional Court of the High Court	1 0 0
19	On an order of the Court of Appeal or of a Divisional Court when sitting in bankruptcy	1 0 0
20	Where a Judge of the High Court deals with judgment summonses under section 107 of the Act—	
	(*a*) On the issue of a judgment summons or of a successive summons:	
	For every £2 or fraction thereof calculated on the amount for which the summons issues	0 0 6
	Maximum fee	0 7 6

No. of Fee	Description of Proceeding	Amount of Fee £ s. d.
	(*b*) On an order made on a judgment summons:	
	For every £ of the amount for which the summons issues	0 0 6
	Maximum fee	0 15 0
21	On a record for trial...	7 10 0
	This fee may be reduced by special order of the court	
22	On a subpoena or a summons under section 25 of the Act ...	0 5 0
23	On the Registrar of a county court certifying a list of proofs under Rule 256—	
	(i) For the first 50 proofs in each bankruptcy	0 3 0
	(ii) For every additional 50 proofs (or fraction of 50) ...	0 1 0
	This fee is not payable for certifying a list of proofs for second or subsequent dividends, unless additional proofs are certified, nor for certifying lists in respect of separate estates in the same bankruptcy.	
24	For taking an affidavit or an affirmation or a declaration, except for proof of debts and except a declaration by a shorthand writer under Rule 69 (Forms 71 and 71A):	
	(i) For each person making the same	0 2 6
	(ii) In addition, for each exhibit or schedule therein referred to and required to be marked	0 1 6
25	(1) On an allocatur by the taxing officer of the court for any costs, charges or disbursements:	
	Where the amount allowed does not exceed £4	0 2 0
	Where the amount allowed exceeds £4, for every £2 or fraction thereof allowed	0 1 0
	(2) For the issue of a duplicate allocatur	0 3 0
26	(1) For an office copy:—	
	(*a*) In the case of a photographic copy:—	
	(i) For the first copy of any application—	
	for every photographic foolscap sheet	0 2 0
	for every photographic sheet over foolscap	0 4 0
	(ii) For every additional copy of the same application—	
	for every photographic foolscap sheet	0 1 6
	for every photographic sheet over foolscap	0 3 0
	(*b*) In any other case, for each folio of 72 words	0 0 8
	(2) For examining a copy supplied by a party and marking it as office copy, for every folio of 72 words—	
	In the case of a photographic copy	0 0 2
	In any other case	0 0 3
27	On a bond	0 10 0
28	On a proof of debt above £2 (other than a proof of workmen's wages under Rule 249)	0 1 6
29	On filing an affidavit other than a proof of debts	0 2 6

Part II

No. of Fee	Description of Proceeding	Amount of Fee
		£ s. d.
30	On an application to an Official Receiver to appoint a special manager or to carry on the business of a debtor	0 10 0
31	On an application to the Board of Trade for a local banking account	1 10 0
32	On an order of the Board of Trade for a local banking account	3 0 0
33	On an application by a trustee to the Board of Trade, or to an Official Receiver acting as committee of inspection under section 20 (10) of the Act or Rule 328:—	
	(*a*) Where the assets are certified by the Official Receiver as not likely to realise more than £500	0 10 0
	(*b*) Where the assets are likely to exceed £500	1 0 0
34	On an application to the Board of Trade under section 153 of the Act for payment of money out of the Bankruptcy Estates Account	0 2 6
35	On an application— (*a*) For the re-issue of a lapsed cheque or money order; or (*b*) After six months from the date of issue, for the re-issue of a lapsed payable order, in respect of moneys standing to the credit of the Bankruptcy Estates Account	0 2 6
36	On a bond	0 10 0
37	On an application for search other than by petitioner, trustee, bankrupt, or any officer of the court	0 1 6
38	For taking an affidavit or an affirmation or a declaration, except for proof of debts and except a declaration by a shorthand writer under Rule 69 (Forms 71 & 71A):	
	(i) For each person making the same	0 2 6
	(ii) In addition, for each exhibit or schedule therein referred to and required to be marked	0 1 6
39	On filing an affidavit other than a proof of debts	0 2 6
40	On the insertion in the *London Gazette* of a notice authorised by the Act or the Bankruptcy Rules, 1952—	
	(*a*) where the subject of the notice is the date of the hearing of an application for the discharge of a bankrupt or the order of the court made thereon	0 5 0
	(*b*) in any other case	0 7 6

TABLE B

No. of Fee	Description of Proceeding	Amount of Fee
		£ s. d.
1	For every Receiving Order made on a debtor's petition, where the fee on the petition has been dispensed with in pursuance of the Official Receiver's certificate as to sufficiency of assets ...	5 0 0
2	For every order of administration made on transfer of proceedings under section 130 (3) of the Act	5 0 0

No. of Fee	Description of Proceeding	Amount of Fee
		£ s. d.
3	On the net assets realised or brought to credit by the Official Receiver, whether acting as interim receiver, receiver, or trustee, after deducting any sums paid to secured creditors in respect of their securities, and not being assets realised by a special manager or moneys received and spent in carrying on the business of the debtor, and on the net assets realised by an Official Receiver when acting as trustee to administer a debtor's property under a composition or scheme, after deducting any sums paid to secured creditors in respect of their securities, and not being moneys received and spent in carrying on the business of a debtor:—	
	On the first £1,000 or fraction thereof ... per cent.	7 10 0
	„ next £1,500 „ „ ... „	6 0 0
	„ „ £2,500 „ „ ... „	4 10 0
	„ „ £5,000 „ „ ... „	3 0 0
	On all further sums	2 0 0
4	On the amount distributed to creditors by the Official Receiver when acting as trustee under a composition:—	
	On the first £500 or fraction thereof ... per cent.	3 0 0
	„ next £500 „ „ ... „	2 5 0
	„ „ £1,000 „ „ ... „	1 10 0
	On all further sums ... ... „	0 15 0
5	On the amount distributed in dividend or otherwise to unsecured creditors by the Official Receiver when acting otherwise than as trustee under a composition:—	
	On the first £1,000 or fraction thereof ... per cent.	3 15 0
	„ next £1,500 „ „ ... „	3 0 0
	„ „ £2,500 „ „ ... „	2 5 0
	„ „ £5,000 „ „ ... „	1 10 0
	On all further sums ... ... „	1 0 0
6	For the Official Receiver acting as interim receiver of the property of a debtor in addition to the percentage chargeable on realisations, on every order	4 10 0
	And, in addition, where the order is in force for a longer period than fourteen days, for every seven days after the first fourteen, and for every fraction of seven days ...	1 10 0
7	For each notice by an Official Receiver to a creditor of a first or any other meeting, or sitting of the court:—	
	Where the estimated value of the assets exceeds £100—each notice	0 1 6
	Where the estimated value of the assets does not exceed £100—	
	On the first twenty notices ... ... each notice	0 1 6
	For each notice above twenty	0 0 9
8	For each notice by an Official Receiver to a creditor of an adjourned meeting or an adjourned sitting of the court ...	0 0 9
9	For the Official Receiver supervising a special manager or the carrying on a debtor's business, where the estimated assets exceed £100, a fee according to the following scale:—	
	If the gross assets are estimated by the Official Receiver not to exceed £500 ... ... per week	1 10 0
	If to exceed £500 but not to exceed £5,000 „	3 0 0
	„ £5,000 „ £10,000 „	4 10 0
	„ £10,000 „ £20,000 „	6 0 0
	„ £20,000 ... ... „	7 10 0

No. of Fee	Description of Proceeding	Amount of Fee
		£ s. d.
10	For a room for meeting or adjourned meeting of creditors summoned by Official Receiver, for each creditor to whom notice has been given of such meeting, but in summary administrations not exceeding £2 for each meeting, and in non-summary administrations not exceeding £5 for each meeting	0 1 6
11	For travelling, keeping possession, and other reasonable expenses of Official Receiver, the amount disbursed	—
12	For official stationery, printing, books, forms, and postages, each estate:—	
	(i) For every ten applications to debtors to an estate, or fraction of ten	0 3 0
	(ii) For every ten creditors or fraction of ten where the estimated assets exceed £100	0 15 0
	(iii) Where the estimated assets do not exceed £100—	
	For every ten creditors or fraction of ten up to twenty ...	0 15 0
	For every ten creditors or fraction of ten above twenty ...	0 7 6
13	On the audit of the accounts forwarded by the Official Receiver or trustee to the Board of Trade:—	
	On every £100 or fraction of £100 up to £5,000 of the gross amount of the assets realised and brought to credit ...	1 10 0
	On every £100 or fraction of £100 of the gross amount of the assets realised and brought to credit in excess of £5,000	0 15 0
	Provided that where a fee has been taken on an application to approve a composition or scheme of arrangement, seven-eighths of the amount thereof shall be deducted from this fee.	
14	On every application for release by trustees in non-summary cases:—	
	On every £100 or fraction of £100 of the gross amount of the assets realised and brought to credit	0 3 6
15	On every payment under section 153 of the Act of money out of the Bankruptcy Estates Account:—	
	On each pound or fraction of a pound	
	(*a*) of each dividend, where the money consists of unclaimed dividends	0 0 4
	(*b*) of the amount paid out, where the money consists of undistributed funds or balances	0 0 4

TABLE C

No. of Fee	Description of Proceeding	Amount of Fee
		£ s. d.
1	(i) For serving a bankruptcy notice, bankruptcy petition, or subpoena, or an order not serviceable by post	0 7 6
	(ii) For serving an order serviceable by post	0 1 6
	These fees include the making of the affidavit of service, but not the payment or stamp duty for the oath.	
2	For issuing an order of commitment under the Debtors Act, 1869(a), or a search warrant or a warrant of seizure, apprehension or committal, under the Act	0 15 0

(a) 32 & 33 Vict. c. 62.

No. of Fee	Description of Proceeding	Amount of Fee
		£ s. d.
3	(i) For keeping possession under a warrant, for each day the man is actually in possession	0 10 0
	(ii) For an affidavit of possession being actually kept, if required	0 2 6
	This fee does not include the payment or stamp duty for the oath.	
4	Where a bankruptcy officer of the Supreme Court or a bailiff of a county court is required to travel to the place of possession, or to serve or execute a process mentioned in Fee No. 1 or Fee No. 2 or for any other purpose specially directed by the court—	
	(i) for his travelling, the amount actually and reasonably expended in travelling,	
	(ii) for his time, where distance exceeds 10 miles, per day	0 15 0
	(iii) for his expenses:—	
	(*a*) when absent for not less than 5 and not more than 10 hours	0 2 0
	(*b*) when absent for more than 10 hours	0 5 0
	(*c*) when absent for a night	1 1 0
	Fee No. 4 (iii) (c) covers a period of 24 hours, and Fees No. 4 (iii) (a) and (b) are not payable in respect of time included in a period in respect of which Fee No. 4 (iii) (c) is payable.	
5	Where a Registrar is required to perform any duties away from his office—	
	(i) for his travelling, the amount actually and reasonably expended in travelling,	
	(ii) for his time, per day	2 0 0
	(iii) for his expenses:—	
	(*a*) when absent for not less than 5 and not more than 10 hours	0 3 0
	(*b*) when absent for more than 10 hours	0 7 6
	(*c*) when absent for a night	1 10 0
	Fee No. 5 (iii) (c) covers a period of 24 hours, and Fees No. 5 (iii) (a) and (b) are not payable in respect of time included in a period in respect of which Fee No. 5 (iii) (c) is payable.	
6	On the hearing of a public examination in a county court—	
	(i) in a summary case	0 6 0
	(ii) in any other case	0 8 0
	This fee is not payable—	
	(*a*) *more than once under each receiving order;*	
	(*b*) *until after a hearing at which the debtor has appeared and has been examined.*	

SECOND SCHEDULE

ORDERS REVOKED

Order, dated 28th December, 1914, made by the Treasury with the concurrence of the Lord Chancellor, as to the fees and percentages to be taken for bankruptcy proceedings in the High Court of Justice and the Court of Appeal. (S.R. & O. 1914/1827; Rev. III, p. 43).

The Bankruptcy Fees Order, 1930. (S.R. & O. 1930/604, p. 106; Rev. XXV, p. 287.)

The Bankruptcy Fees (Amendment) Order, 1931. (S.R. & O. 1931/520, p. 77.)

The Bankruptcy Fees (Amendment) Order, 1944. (S.R. & O. 1944/998, I, p. 22.)

The Bankruptcy Fees (Amendment) Order, 1947. (S.R. & O. 1947/77, I, p. 97.)

The Bankruptcy Fees (Amendment) Order, 1950. (S.I. 1950/602, I, p. 207.)

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order consolidates the Bankruptcy Fees Order, 1930, and the other Orders mentioned in the Second Schedule. Provision is made for fees on photographic copies of documents (Fee No. 26) and on duplicate allocaturs (Fee No. 25 (2)).

BECHUANALAND PROTECTORATE

1952 No. 1031

The Bechuanaland Protectorate (Bamangwato Succession) Order in Council, 1952

Made - - - -	*23rd May*, 1952
Laid before Parliament	*24th May*, 1952
Coming into Operation	*On a date to be proclaimed in accordance with Article* 5.*

At the Court at Buckingham Palace, the 23rd day of May, 1952

Present,

The Queen's Most Excellent Majesty in Council

Whereas Sekgoma II, Chief of the Bamangwato Tribe of the Bechuanaland Protectorate, died in the year 1925:

And Whereas his son Seretse Khama, then a minor, was next in line of succession to the Chieftainship:

And Whereas Tshekedi Khama was installed as Regent of the Tribe in the year 1926:

And Whereas in the year 1949 dissensions arose in the Tribe as to whether Seretse Khama, who had by then attained his majority, should succeed to the Chieftainship:

And Whereas Tshekedi Khama thereafter voluntarily resigned the Regency of the Tribe and renounced all claim to the Chieftainship of the Tribe both for himself and his children:

And Whereas the High Commissioner of the Protectorate has withheld recognition of Seretse Khama as Chief of the Tribe in the interests of peace, order and good government:

And Whereas it is now desirable, in the interests of unity and wellbeing of the Tribe, that neither Seretse Khama nor Tshekedi Khama nor their children shall hereafter be eligible to be Chief of the Tribe or to perform certain other functions in relation to the Tribe, and to this end it is expedient to make certain declarations of the law regarding their positions in relation to the Tribe, including a declaration confirming the voluntary resignation by Tshekedi Khama above mentioned:

* The date thus appointed was 10th June, 1952.