STATUTORY INSTRUMENTS

1965 No. 1622

BANKRUPTCY, ENGLAND

The Bankruptcy Fees Order 1965

Made - - - -	19*th August* 1965
Coming into Operation	1*st October* 1965

The Lord Chancellor and the Treasury, in pursuance of the powers and authorities vested in them 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 authorise and require 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 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. 29 (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. 30 may be taken by adhesive stamps on the filing of an affidavit, if the bankruptcy is in the High Court.

(2) The fees set out in Part II of Table A, being fees to be taken by the Official Receiver or by 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 (1952 I, p. 213).

6.—(1) This Order may be cited as the Bankruptcy Fees Order 1965.

(2) The Bankruptcy Fees Order 1952(a), the Bankruptcy Fees (Amendment) Order 1959(b) and the Bankruptcy Fees (Amendment) Order 1963(c) are hereby revoked.

(3) This Order shall come into operation on 1st October 1965.

(4) In any case where, on the coming into operation of this Order, any sum has already been charged in respect of Fee No. 7, 8, 10 or 12 of Table B of the Bankruptcy Fees Order 1952, the amount thereof shall be deducted from any sum payable in respect of Fee No. 7 of Table B of this Order.

Dated 12th August 1965. *Gardiner*, C.

Dated 19th August 1965. *George Lawson,*
Ifor Davies,

Two of the Lords Commissioners of Her Majesty's Treasury.

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 10 0
2	On issuing a bankruptcy notice	1 0 0
3	On presenting a bankruptcy petition—	
	(i) if presented by a debtor or, under section 130 of the Act, by the personal representative of a deceased debtor ...	5 0 0
	(ii) if presented by a creditor	6 0 0
	Where on the presentation of a petition by a debtor, 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.	
4	On sealing a receiving order under section 107 of the Act ...	6 0 0
5	On sealing an order dismissing a petition or granting leave to withdraw a petition	2 0 0
6	On sealing an order adjourning a petition	0 10 0
7	On sealing a vesting order under section 54 of the Act	2 0 0
8	On an application for annulment of adjudication or rescission of a receiving order on the ground that the debts have been paid in full	4 0 0
	One fee only shall be charged when annulment and rescission are the subject of one application.	
9	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)—	
	(i) in respect of each debtor covered by the application, and	2 0 0
	(ii) 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.	
10	On an application for leave to act as director or take part in the management of a company	4 0 0

(a) S.I. 1952/2114 (1952 I, p. 395). (b) S.I. 1959/2261 (1959 I, p. 279).
(c) S.I. 1963/466 (1963 I, p. 528).

No. of Fee	Description of Proceeding	Amount of Fee
		£ s. d.
11	On an application for search other than by petitioner, trustee, bankrupt or any officer of the court	0 5 0
12	On an application to the court, except by the Official Receiver when applying only in his capacity of Official Receiver and not as trustee	1 0 0
	This fee is not payable on setting down a motion for hearing before a Judge.	
13	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 ...	2 10 0
	(ii) on every £100 or fraction of £100 beyond £5,000 ...	1 5 0
	Provided that 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 Fee No. 11 of 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.	
	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).	
14	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)—	
	(i) on every £100 or fraction of £100 up to £5,000... ...	2 10 0
	(ii) on every £100 or fraction of £100 beyond £5,000 ...	1 5 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 Fee No. 11 of 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.	
15	On setting down a motion for hearing before a Judge sitting in bankruptcy...	2 0 0
	This fee does not relate to the hearing of an application to which any one of Fees Nos. 8, 9, 10, 13 *and* 14 *relates.*	
16	On an order of a Judge when sitting in bankruptcy	2 0 0
	This fee is 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.* 8, 9, 10, 13 *and* 14 *relates; or*	
	(*d*) *on an order to which any one of Fees Nos.* 4, 5, 6 *and* 7 *relates.*	
17	On entering an appeal in bankruptcy—	
	(i) if to the Court of Appeal	6 0 0
	(ii) if to a Divisional Court of the High Court	4 0 0
18	Where a Judge of the High Court deals with a judgment summons under section 107 of the Act—	
	(i) on the issue of a judgment summons, for every £2 or fraction thereof for which the summons issues	0 3 0 Maximum fee, £2
	(ii) on the issue of a second or subsequent successive judgment summons	0 2 6

No. of Fee	Description of Proceeding	Amount of Fee £ s. d.
19	On the issue of a subpoena...	0 5 0
20	On the issue of a summons under section 25 of the Act ...	1 0 0
21	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 5 0
	(ii) for every additional 50 proofs (or fraction of 50) ...	0 2 0
	This fee is not payable for certifying lists in respects of separate estates in the same bankruptcy. On the certification of a list of proofs for second or subsequent dividends, no fee is payable unless additional proofs are filed; where additional proofs are filed, the fee payable, if any, will be that payable on the total of the proofs listed after deduction of any fee paid on previous lists certified.	
22	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 5 0
	(i) in addition, for each exhibit or schedule therein referred to and required to be marked	0 2 0
23	On the taxation of a bill of costs—	
	(i) where the amount allowed does not exceed £5	0 5 0
	(ii) where the amount allowed exceeds £5 but does not exceed £100, for every £1 or fraction of £1	0 1 0
	(iii) where the amount allowed exceeds £100	
	(*a*) for the first £100...	5 0 0
	(*b*) for every £2 or fraction thereof over £100	0 1 0
	Provided that the taxing officer may in any case require the bill of costs to be stamped before taxation with the whole or part of the amount of fees which would be payable if the bill were allowed by him at the full amount thereof.	
	(iv) for the issue of a duplicate allocatur	0 5 0
24	On the withdrawal of a bill of costs which has been lodged for taxation—	
	such fee (not exceeding the amount which would have been payable under Fee No. 23 if the bill had been allowed in full) as shall appear to the Taxing Master (or Registrar of the county court, as the case may be) to be fair and reasonable.	
25	For a photographic copy of all or part of any document, whether or not issued as an office copy,	
	for each photographic sheet—	
	(i) not over foolscap size	0 2 0
	(ii) over foolscap size	0 4 0
26	For a typewritten copy of any document—	
	(i) for each folio of 72 words...	0 0 9
	(ii) and for each folio of any additional carbon copy bespoken (subject in any case to a minimum fee of 2*s.* 6*d.*) ...	0 0 4
27	For examining a plain copy and marking the same as an office copy—	
	(i) in the case of a photographic copy, for each sheet ...	0 2 0
	(ii) in any other case, for each sheet	0 2 6
28	On a bond	1 0 0
29	On a proof of debt above £5 (other than a proof of workmen's wages under Rule 249)	0 2 6
30	On filing a notice of change of solicitor, a legal aid certificate or an affidavit other than a proof of debts	0 5 0

PART II

No. of Fee	Description of Proceeding	Amount of Fee £ s. d.
31	On an application to an Official Receiver to appoint a special manager or to carry on the business of a debtor	1 0 0
32	On an application to the Board of Trade for a local banking account	3 0 0
33	On an order of the Board of Trade for a local banking account...	5 0 0
34	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—	
	(i) where the assets are certified by the Official Receiver as not likely to realise more than £500	1 0 0
	(ii) where the assets are likely to exceed £500	2 0 0
35	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 5 0
36	On an application for the re-issue of a lapsed cheque, money order or payable order in respect of moneys standing to the credit of the Bankruptcy Estates Account—	
	(i) where the cheque or order is for £5 or less	0 2 6
	(ii) where the cheque or order is for more than £5... ...	0 5 0
37	On a bond	1 0 0
38	On an application for search other than by petitioner, trustee, bankrupt, or any officer of the court	0 5 0
39	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 5 0
	(ii) in addition, for each exhibit or schedule therein referred to and required to be marked	0 2 0
40	On filing an affidavit other than a proof of debts	0 5 0
41	On the insertion in the *London Gazette* of a notice authorised by the Act or the Bankruptcy Rules 1952	0 10 0

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
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	

No. of Fee	Description of Proceeding	Amount of Fee £ s. d.
	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—	
	(i) on the first £2,500 or fraction thereof ... per cent.	10 0 0
	(ii) on the next £7,500 or fraction thereof ... per cent.	5 0 0
	(iii) on all further sums ... ... per cent.	2 10 0
4	On the amount distributed to creditors by the Official Receiver when acting as trustee under a composition—	
	(i) on the first £1,000 or fraction thereof ... per cent.	3 0 0
	(ii) on the next £1,000 or fraction thereof ... per cent.	1 10 0
	(iii) on all further sums ... ... per cent.	1 0 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—	
	(i) on the first £2,500 or fraction thereof ... per cent.	5 0 0
	(ii) on the next £7,500 or fraction thereof ... per cent.	2 10 0
	(iii) on all further sums ... ... per cent.	1 5 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	5 0 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 ...	2 10 0
7	For all official stationery, printing, postage and telephones (except trunk calls); and to include notices to creditors of meetings and sittings of the court and room hire.	
	(i) In a summary case	
	(*a*) for a number of creditors not exceeding 20	10 0 0
	(*b*) for a number exceeding 20 but not exceeding 30 ...	13 10 0
	(*c*) for every additional 10 creditors or part thereof ...	3 0 0
	Provided that where the assets do not exceed £100 two-thirds only of the above fee shall be taken.	
	(ii) In any other case	
	(*a*) for a number of creditors not exceeding 20	15 0 0
	(*b*) for every additional 10 creditors or part thereof ...	5 0 0
	This fee does not include the charge which may be made by the Official Receiver or trustee on calling a meeting at the request of creditors, for which provision is made in Rule 244 *of the Bankruptcy Rules* 1952(a), *as amended*(b).	
8	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—	
	(i) if the gross assets are estimated by the Official Receiver not to exceed £5,000 ... ... per week	3 0 0
	(ii) if to exceed £5,000 but not to exceed £10,000 per week	5 0 0
	(iii) if to exceed £10,000 ... ... per week	7 10 0
9	For travelling, keeping possession and other reasonable expenses of the Official Receiver, the amount disbursed.	
10	On the audit of the accounts of a trustee in bankruptcy, other than the Official Receiver, and on the net assets realised or brought to credit by such trustees and 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 per cent	3 0 0
11	On the audit of the accounts forwarded by the Official Receiver or trustee to the Board of Trade—	

(a) S.I. 1952/2113 (1952 I, p. 213). (b) S.I. 1965/1571 (1965 II, p. 4578).

No. of Fee	Description of Proceeding	Amount of Fee
		£ s. d.
	(i) on every £100 or fraction of £100 up to £5,000 of the net amount of the assets realised and brought to credit ...	2 10 0
	(ii) on every £100 or fraction of £100 of the net amount of the assets realised and brought to credit in excess of £5,000	1 5 0
	Provided that where a fee has been taken under Table A on an application to approve a composition or scheme of arrangement, seven-eighths of the amount thereof shall be deducted from this fee.	
12	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—	
	(i) of each dividend, where the money consists of unclaimed dividends	0 0 6
	(ii) of the amount paid out, where the money consists of undistributed funds or balances	0 0 6
13	Where the Official Receiver performs any special duty not provided for in the foregoing tables:—such amount as the court, on the application of the Official Receiver, with the sanction of the Board of Trade, may consider reasonable.	

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 10 0
	(ii) For serving an order serviceable by post	0 2 0
	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	1 0 0
3	(i) For keeping possession under a warrant for each day the man is actually in possession	1 0 0
	(ii) For an affidavit of possession being actually kept, if required	0 5 0
	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 ...	1 10 0
	(iii) for his expenses—	
	(*a*) when absent for not less than 5 and not more than 10 hours	0 4 3
	(*b*) when absent for more than 10 hours	0 10 0

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

No. of Fee	Description of Proceeding	Amount of Fee
		£ s. d.
	(*c*) when absent for a night	2 0 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	3 0 0
	(iii) for his expenses—	
	(*a*) when absent for not less than 5 and not more than 10 hours	0 6 6
	(*b*) when absent for more than 10 hours	0 14 0
	(*c*) when absent for a night	3 3 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 ...	0 10 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.*	

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order replaces the Bankruptcy Fees Order 1952. The fees payable in bankruptcy proceedings are brought broadly into line with those payable in other proceedings in the Supreme Court.

New provisions include a composite fee (No. 7 in Table B) for expenses relating to stationery, printing, postage and telephones; and a fee payable on the net assets on the audit of accounts of a trustee other than the Official Receiver (No. 10 in Table B).