STATUTORY INSTRUMENTS

1975 No. 1350 (L.19)

BANKRUPTCY, ENGLAND

The Bankruptcy Fees Order 1975

Made - - - -	*7th August* 1975
Coming into Operation	*1st October* 1975

The Lord Chancellor and the Treasury, in exercise of the powers conferred on them by section 133 of the Bankruptcy Act 1914**(a)** and sections 2 and 3 of the Public Offices Fees Act 1879**(b)**, hereby make, sanction and consent to the following Order:—

1.—(1) This Order may be cited as the Bankruptcy Fees Order 1975 and shall come into operation on 1st October 1975.

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

2. In this Order, unless the context otherwise requires—

(*a*) "the Act" means the Bankruptcy Act 1914;

(*b*) a rule or form referred to by number means the rule or form so numbered in the Bankruptcy Rules 1952**(d)**, as amended **(e)**;

(*c*) Table A and Table B mean respectively Table A and Table B in the Schedule to this Order;

(*d*) a fee referred to by number means the fee so numbered in the Schedule to this Order.

3. The fees and percentages to be charged for and in respect of proceedings in bankruptcy shall be those set out in Tables A and B.

4.—(1) Fees numbered 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12 in Table B shall be taken by adhesive stamps and all other fees shall be taken in cash.

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

(3) When a fee is paid to an officer of a court, the person paying the fee shall inform the officer that the fee relates to a proceeding in bankruptcy.

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) 1914 c. 59. **(b)** 1879 c. 58. **(c)** 1889 c. 63.
(d) S.I. 1952/2113 (1952 I, p. 213).
(e) The relevant amending instruments are 1965/1571, 1970/1868, 1973/715 (1965 II, p. 4578; 1970 III, p. 6118; 1973 I, p. 2322).

6. The Bankruptcy Fees Order 1970**(a)**, the Bankruptcy Fees (Amendment) Order 1971**(b)**, the Bankruptcy Fees (Amendment) Order 1972**(c)**, the Bankruptcy Fees (Amendment No. 2) Order 1972**(d)**, the Bankruptcy Fees (Amendment) Order 1974**(e)** and the Bankruptcy Fees (Amendment No. 2) Order 1974**(f)** are hereby revoked save as to any fee or percentage due or payable before the commencement of this Order.

Dated 6th August 1975.

Elwyn-Jones, C.

Dated 7th August 1975.

M. Cocks,
J. Dormand,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

TABLE A

No. of Fee	*Description of Proceeding*	*Amount*
		£
1	On filing a declaration by a debtor of inability to pay his debts	0·50
2	On issuing a bankruptcy notice	5·00
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	5·00
	(ii) if presented by a creditor	10·00
	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 ...	10·00
5	On sealing an order dismissing a petition or granting leave to withdraw a petition	3·00
6	On sealing an order adjourning a petition	1·00
7	On sealing a vesting order under section 54 of the Act ...	5·00
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	5·00
	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)—	
	in respect of each debtor covered by the application ...	2·00
	This fee is 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	8·00
11	On an application for search other than by petitioner, trustee, bankrupt or any officer of the court	0·25

(a) S.I. 1970/2007 (1970 III, p. 6524).
(b) S.I. 1971/1017 (1971 II, p. 2958).
(c) S.I. 1972/1054 (1972 II, p. 3155).
(d) S.I. 1972/1189 (1972 II, p. 3526).
(e) S.I. 1974/637 (1974 I, p. 2531).
(f) S.I. 1974/2095 (1974 III, p. 8158).

No. of Fee	*Description of Proceeding*	*Amount*
		£
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	2·00
	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 ...	2·50
	(ii) on every £100 or fraction of £100 beyond £5,000 ...	1·25
	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. 19 of Table B on the audit of the accounts, seven-eighths of the amount thereof shall be deducted from the fee payable.	
	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 ...	2·50
	(ii) on every £100 or fraction of £100 beyond £5,000 ...	1·25
	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. 19 of Table B on the audit of the accounts, seven-eighths of the amount thereof shall be deducted from the fee payable.	
15	On setting down a motion for hearing before a Judge sitting in bankruptcy	5·00
	This fee does not relate to the hearing of an application to which any one of Fees Nos. 8, 9, 10, 13 *and* 14 *of Table A relates.*	
16	On an order of a Judge when sitting in bankruptcy	5·00
	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 *of Table A relates; or*	
	(d) on an order to which any one of Fees Nos. 4, 5, 6 *and* 7 *of Table A relates.*	
17	On entering an appeal in bankruptcy—	
	(i) if to the Court of Appeal	10·00
	(ii) if to a Divisional Court of the High Court	6·00
18	Where a Judge of the High Court deals with a judgment summons under section 107 of the Act—	
	on the issue of a judgment summons, for every £2 or fraction thereof for which the summons issues	0·20 Maximum fee 5·00
19	On the issue of a subpoena	1·00

No. of Fee	*Description of Proceeding*	*Amount*
		£
20	On the issue of a summons under section 25 of the Act ...	2·00
21	On the certification of a list of proofs under rule 256—	
	(i) for the first 50 proofs in each bankruptcy	0·25
	(ii) for every additional 50 proofs (or fraction of 50) ...	0·10
	This fee is not payable for certifying lists in respect 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	On the taxation of a bill of costs—	
	for every £1 or part thereof allowed	0·05
	Provided that the taxing officer may in any case require payment before taxation of 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.	
23	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. 22 of Table A if the bill had been allowed in full) as may be reasonable having regard to the amount of work done in the court office.	
24	For a photographic copy of all or part of any document, whether or not issued as an office copy, for each photographic sheet	0·25
25	For a typewritten copy of any document, per page	0·50
	and for each page of any additional carbon copy bespoken, half of the fee above.	
26	For examining a plain copy and marking the same as an office copy, for each sheet	0·25
27	On a bond	1·00
28	For taking an affidavit or an affirmation or a declaration, except for proofs of debt and except a declaration by a shorthand writer under rule 69 (Forms 71 and 71A)—	
	(i) for each person making the same	1·00
	(ii) in addition, for each exhibit or schedule therein referred to and required to be marked	0·40
29	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	5·00
30	For every order of administration made on transfer of proceedings under section 130(3) of the Act	5·00
31	On a request for service of—	
	(i) a bankruptcy notice, bankruptcy petition or subpoena, or an order not serviceable by post	1·00
	(ii) an order serviceable by post	0·25
	These fees include the making of the affidavit of service but not any fee payable on taking the oath.	
32	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	1·00

(a) 1869 c. 62.

No. of Fee	*Description of Proceeding*	*Amount*
		£
33	(i) For keeping possession under a warrant for each day the man is actually in possession	1·00
	(ii) For an affidavit of possession being actually kept, if required	0·25
	This fee does not include any fee payable on taking the oath.	
34	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. 31 or Fee No. 32 of Table A 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, per day	3·00
	(iii) for his expenses—	
	(*a*) when absent for not less than 5 and not more than 10 hours	0·65
	(*b*) when absent for more than 10 hours	1·55
	(*c*) when absent for a night	7·70
	Fee No. 34(iii)(*c*) *covers a period of* 24 *hours, and Fees No.* 34(iiii)(*a*) *and* (*b*) *are not payable in respect of time included in a period in respect of which Fee No.* 34(iii)(*c*) *is payable.*	
35	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	10·00
	(iii) for his expenses—	
	(*a*) when absent for not less than 5 and not more than 10 hours	0·85
	(*b*) when absent for more than 10 hours	1·80
	(*c*) when absent for a night	14·65
	Fee No. 35(iii)(*c*) *covers a period of* 24 *hours, and Fees No.* 35(iii)(*a*) *and* (*b*) *are not payable in respect of time included in a period in respect of which Fee No.* 35(iii)(*c*) *is payable.*	
36	On the hearing of a public examination in a county court ...	5·00
	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.*	

TABLE B

No. of Fee	*Description of Proceeding*	*Amount*
		£
1	On an application for an order of discharge— for each creditor to be notified ... ... *This fee is payable on an application to review an order of discharge or to review the refusal of an order of discharge.*	0·10
2	On a proof of debt above £5 (other than a proof of workmen's wages under rule 249)	0·25
3	On an application to an Official Receiver to appoint a special manager or to carry on the business of a debtor	5·00
4	On an application to the Secretary of State for a local banking account	5.00
5	On an order of the Secretary of State for a local banking account	10·00
6	On an application by a trustee to the Secretary of State or to an Official Receiver acting as a committee of inspection under section 20(10) of the Act or rule 328	10·00
7	On an application to the Secretary of State under section 153 of the Act for payment out of the Bankruptcy Estates Account or 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	0·50
8	On each payment made under section 153 of the Act of money out of the Bankruptcy Estates Account, in respect of an unclaimed dividend, undistributed fund or other balance per cent	1·25
9	On a bond	1·00
10	On an application for search other than by petitioner, trustee, bankrupt or any officer of the court	0·25
11	On filing an affidavit other than a proof of debt	0·25
12	On the insertion in the *London Gazette* of a notice authorised by the Act or the Bankruptcy Rules 1952	1·10
13	On— (1) the amount brought to credit by the Official Receiver whether acting as interim receiver or trustee, after deducting any sum paid to secured creditors in respect of their securities and any sums spent out of the money received by a special manager in carrying on the business of the debtor, and (2) the amount brought to credit by the 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 any sums spent in carrying on the business of the debtor, a fee in accordance with the following scale—	
	(i) on the first £2,500 or fraction thereof per cent	20·00
	(ii) on the next £7,500 or fraction thereof per cent	15·00
	(iii) on the next £90,000 or fraction thereof per cent	10·00
	(iv) on all further sums ... ... per cent	5·00
14	On the amount distributed to creditors by the Official Receiver when acting as trustee or trustee under a composition— half of the fee prescribed for that amount under Fee No. 13 of Table B.	

No. of Fee	*Description of Proceeding*	*Amount*
		£
15	For all official stationery, printing, postage and telephones including notices to creditors of meetings and sittings of the court and room hire—	
	(*a*) for a number of creditors not exceeding 25 ...	50·00
	(*b*) for every additional 10 creditors or part thereof ...	15·00
	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.	
16	Where the Official Receiver supervises a special manager or the carrying on of a debtor's business and the estimated assets exceed £100, a fee according to the following scale based on the gross assets as estimated by the Official Receiver—	
	(i) not exceeding £5,000 ... ... per week	6·00
	(ii) exceeding £5,000 but not exceeding £10,000 per week	10·00
	(iii) exceeding £10,000 ... ... per week	15·00
17	For travelling, keeping possession and other reasonable expenses of the Official Receiver, the amount disbursed.	
18	At the due date for audit of the accounts of a trustee in bankruptcy, other than the Official Receiver, on the amount brought to credit by such trustee after deducting any sums paid to secured creditors in respect of their securities and the sums spent out of money received in carrying on the business of the debtor—	
	(i) on the first £500,000 or fraction thereof per cent	5·00
	(ii) on the next £500,000 or fraction thereof per cent	3·00
	(iii) on all further sums ... ... per cent	1·50
19	On the audit of the Official Receiver's or trustee's accounts by the Secretary of State—	
	(i) on every £100 or fraction of £100 up to £100,000 of the amount brought to credit	4·00
	(ii) on every further £100 or fraction of £100 up to £500,000 of the amount brought to credit	3·00
	(iii) on every further £100 or fraction of £100 up to £1,000,000 of the amount brought to credit	1·50
	(iv) on every £100 or fraction of £100 in excess of £1,000,000 of the amount brought to credit	0·75
	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 paid under Fee No. 13 or 14 of Table A shall be deducted from this fee.	
20	Where the Official Receiver acts as interim receiver pending the appointment of a trustee and the receiving order is rescinded on the ground that it ought not to have been made, or where the Official Receiver acts both as interim receiver and as trustee and the order of adjudication is annulled on the ground that it ought not to have been made, such amount as the court may consider reasonable to be paid by the petitioning creditor or by the debtor, as the court may direct, in respect of the services of the Official Receiver as interim receiver or trustee.	

No. of Fee	*Description of Proceeding*	*Amount*
		£
21	Where the Official Receiver acts as interim receiver pending the appointment of a trustee and the receiving order is rescinded on the ground that it has been proved to the satisfaction of the court that the debts of the debtor will be paid in full— (i) where the amount required to pay the debts and the costs, fees and expenses of the proceedings as reported by the Official Receiver is distributed by him and is, or could be, provided from money or property belonging to the debtor, or by the sale or charge of his property, the fees prescribed in Fees Nos. 13, 14 and 19 of Table B on the said amount; (ii) where the amount required to pay the debts and the costs, fees and expenses of the proceedings as reported by the Official Receiver is paid by a third party to the Official Receiver for distribution to the creditors and the Official Receiver so distributes it, the fees prescribed in Fees Nos. 14 and 19 of Table B on the amount so paid; (iii) where the money belonging to the debtor or the sum which is, or could be, realised by the sale or charge of his property is insufficient to pay the amount required to pay the debts and the costs, fees and expenses of the proceedings as reported by the Official Receiver and the amount, or balance, required is paid by a third party to the Official Receiver for distribution to the creditors and is so distributed, then the fees prescribed in (i) and (ii) above shall each apply to the extent to which they are appropriate; (iv) where the amount required to pay the debts as reported by the Official Receiver is distributed to unsecured creditors outside the proceedings with money provided by a third party, the fee prescribed in Fee No. 19 and half the fee prescribed in Fee No. 14 of Table B.	
22	Where the Official Receiver performs any duty not provided for in this Table, such amount as the court, on the application of the Official Receiver with the sanction of the Secretary of State, may consider reasonable.	

EXPLANATORY NOTE

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

This Order replaces the Bankruptcy Fees Order 1970. It increases certain court fees and allowances payable in bankruptcy proceedings (Table A of the Schedule) and fees taken by the Department of Trade in such proceedings (Table B of the Schedule).

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