STATUTORY INSTRUMENTS

1980 No. 2007 (L. 32)

BANKRUPTCY, ENGLAND

The Bankruptcy Fees Order 1980

Made - - - - 28*th November* 1980

Coming into Operation 1*st January* 1981

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. This Order may be cited as the Bankruptcy Fees Order 1980 and shall come into operation on 1st January 1981.

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

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

(*b*) a rule of form referred to by number means the rule or form so numbered in the Bankruptcy Rules 1952(**c**);

(*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 a 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. Where Value Added Tax is chargeable in respect of the provision of any services for which a fee is prescribed in Table B, there shall be payable in addition to that fee the amount of the Value Added Tax.

5.—(1) All fees shall be taken in cash.

(2) 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.

6. The Bankruptcy Fees Order 1975(**d**), the Bankruptcy Fees (Amendment) Order 1976(**e**), the Bankruptcy Fees (Amendment) Order 1978(**f**), the Bankruptcy Fees (Amendment No. 2) Order 1978(**g**), the Bankruptcy Fees

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(**a**) 1914 c. 59. (**b**) 1879 c. 58.

(**c**) S.I. 1952/2113; the relevant amending instruments are S.I. 1965/1571, 1970/1868, 1973/715, 1975/213, 1976/1932, 1977/364 394, 1978/544.

(**d**) S.I. 1975/1350. (**e**) S.I. 1976/687.

(**f**) S.I. 1978/570. (**g**) S.I. 1978/704.

(Amendment No. 3) Order 1978(a), the Bankruptcy Fees (Amendment) Order 1979(b), the Bankruptcy Fees (Amendment No. 2) Order 1979(c), the Bankruptcy Fees (Amendment) Order 1980(d) and the Bankruptcy Fees (Amendment No. 2) Order 1980(e) are hereby revoked save as to any fee or percentage due or payable before the commencement of this Order.

Dated 26th November 1980. *Hailsham of St. Marylebone,* C.

David Waddington,
J. A. Douglas-Hamilton,
Two of the Lords Commissioners
Dated 28th November 1980. of Her Majesty's Treasury.

SCHEDULE

TABLE A

No. of Fee	*Description of Proceeding*	*Amount*
		£
1	On issuing a bankruptcy notice	10·00
2	On presenting a bankruptcy petition—	
	(i) if presented by a debtor, or under section 130(9) of the Act, by the legal personal representative of a deceased debtor	10·00
	(ii) if presented by a creditor	20·00
	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.	
3	On sealing a receiving order under section 107 of the Act	20·00
4	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	10·00

(a) S.I. 1978/1653,
(b) S.I. 1979/780,
(c) S.I. 1979/1589,
(d) S.I. 1980/683
(e) S.I. 1980/1186,

No. of Fee	*Description of Proceeding*	*Amount*
		£
5	For every order of administration made on transfer of proceedings under section 130(3) of the Act	10·00
6	On the making of a receiving order under section 11 of the Insolvency Act 1976	20·00
7	On sealing an order adjourning a petition.	2·00
8	(i) On an application for search of the registers other than by an officer of the court	0·50
	(ii) On an application for search of the file of proceedings other than by the petitioner, trustee, bankrupt or any officer of the court	0·50
9	On an application to the court, except by the Official Receiver when applying only in his capacity of Official Receiver and not as Trustee	5·00
10	On setting down a motion for hearing before a Judge sitting in bankruptcy	10·00
11	On entering an appeal in bankruptcy	15·00
12	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
13	On the issue of a summons under section 25 of the Act	5·00
14	On the taxation of a bill of costs—for every £1 or fraction of £1 of the amount allowed	0·05
	Provided that the taxing officer may in any case require payment 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.	
15	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. 14 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.	
16	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
17	For a typewritten copy document, per page whether or not issued as an office copy, and for each page of any additional carbon copy bespoken, half of this fee. .	0·50
18	For examining a plain copy and marking the same as an office copy, for each sheet	0·25

No. of Fee	*Description of Proceeding*	*Amount*
		£
19	For taking an affidavit or an affirmation or a declaration except a declaration by a shorthand writer under rule 69 (forms 71 and 71A)—	
	(i) for each person making the same	2·00
	(ii) in addition, for each exhibit or schedule therein referred to and required to be marked	0·50
20	On a request for service of a bankruptcy notice, bankruptcy petition or subpoena or an order not serviceable by post	10·00
21	For issuing an order of commitment under the Debtors Act 1869(a) or a search warrant or warrant or seizure apprehension or committal under the Act	10·00
22	Where a Registrar is required to perform duties away from his office—	
	for each day or part of day he is absent from his office .	50·00 and in addition the amount actually and reasonably expended on travel and subsistence.
23	On the hearing of a public examination in the High Court or in a county court	10·00
	This fee is not payable—	
	(a) more than once under each receiving order;	
	(b) until after a hearing on which the debtor has appeared and has been examined.	

TABLE B

No. of Fee	*Description of Proceeding*	*Amount*
		£
1	On an application—	
	(1) for an order of discharge under section 26 of the Act	50·00
	(2) by the debtor to review an order, or refusal, of discharge	50·00
2	On an application by a trustee to the Secretary of State or to an Official Receiver to exercise the powers of a Committee of Inspection under section 20(10) of the Act or rule 328—for each separate item therein ...	15·00

(a) 1869 c. 62.

No. of Fee	*Description of Proceeding*	*Amount*
		£
3	Where the Official Receiver supervises a special manager or the carrying on of a debtor's business—	
	for each week or part thereof	50·00
4	On an application to the Secretary of State under section 153 of the Act for a payment from the Insolvency Services Account or for the re-issue of a cheque, money order or payable order in respect of moneys standing to the credit of the Insolvency Services Account	2·00
5	On each payment made from the Insolvency Services Account under section 153 of the Act	per cent 1·25
6	On an application for search of the public records maintained by the Department of Trade, other than by the petitioning creditor, trustee, bankrupt or any officer of the Court	50p
7	For taking an affidavit, affirmation or declaration, except proofs of debt—	
	(i) for each person making the same	2·00
	(ii) for each exhibit or schedule to be marked	50p
8	On the payments made by the Official Receiver into the Insolvency Services Account as receiver pursuant to section 7 of the Act, as trustee in bankruptcy, or 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
9	On the amount distributed to creditors by the Official Receiver when acting as trustee or trustee under a composition or scheme—half of the percentage prescribed in Fee No. 8, calculated on the amount so distributed.	
10	(*a*) For all official stationery, printing, postage and telephones, including notices to creditors or meetings and sittings of the court and room hire—	
	(i) for a number of creditors not exceeding 25 .	82·00
	(ii) for every additional 10 creditors or part thereof	24·00

No. of Fee	*Description of Proceeding*	*Amount*
		£
	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.	
	(*b*) Where the receiving order is made on or after 18th August 1980—	
	On the insertion in the *London Gazette* of a notice authorised by the Act or the Bankruptcy Rules .	13·00
	(*c*) Where the receiving order was made before 1st January 1980—	
	to cover all further insertions needed in the *London Gazette* after that date	12·00
11	For travelling, keeping possession, legal costs and other reasonable expenses of the Official Receiver, the amount disbursed.	
12	At the due date for trustees (including the Official Receiver when he is trustee) sending accounts of their receipts and payments for the immediately preceding six months to the Secretary of State under section 92 of the Act, a fee according to the following scale on the amount paid into the Insolvency Services Account in the said period of six months, after deducting any sums paid to secured creditors in respect of their securities and any sums spent out of money received in carrying on the business of the debtor:—	
	(*a*) on the first £50,000 or fraction thereof	per cent 10·00
	(*b*) on the next £50,000 or fraction thereof	per cent 7·50
	(*c*) on the next £400,000 or fraction thereof	per cent 6·50
	(*d*) on the next £500,000 or fraction thereof	per cent 3·75
	(*e*) on the next £4,000,000 or fraction thereof	per cent 2·00
	(*f*) on all further amounts	per cent 1·00
13	When (i) the Official Receiver is receiver and the receiving order is rescinded on the ground that it ought not to have been made, or (ii) the Official Receiver is the 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 it reasonable to direct the petitioning creditor or debtor to pay to the Official Receiver in respect of his services.	

No. of Fee	*Description of Proceeding*	*Amount*
		£
14	When the Official Receiver is interim receiver pursuant to section 8 of the Act, such amount as the Court, on the application of the Official Receiver, may consider it reasonable to direct the petitioning creditor or debtor to pay to him.	
15	When (*a*) the Official Receiver is receiver and the receiving order is rescinded on the ground that the Court is satisfied that the debts of the debtor will be paid in full, or (*b*) the Official Receiver is trustee and the order of adjudication is annulled on the ground that the debts are paid in full with statutory interest (if appropriate) and the amount required to pay the debts, costs, fees and expenses of the proceedings is or has been: (i) distributed by the Official Receiver and is, or could have been, provided from the debtor's assets—the scale fees calculated under Fees Nos. 8, 9 and 12 on the amount so distributed; (ii) provided by a third party and distributed by the Official Receiver, the debtor being without assets—the scale fees calculated under Fees Nos. 9 and 12 on the amount so distributed; (iii) distributed by the Official Receiver and is, or could have been, paid in part from the debtor's assets, the balance being provided by a third party—the fees prescribed in (i) and (ii) above to the extent that each applies but only to the extent that Fees Nos. 8, 9 and 12 have not already been charged; (iv) distributed to unsecured creditors outside the proceedings with money provided by a third party the scale fee calculated under Fee No. 12 and half the scale fee calculated under Fee No. 9, each on the amount so distributed.	
16	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 1975. Table A of the Schedule to that Order was replaced from 8th June 1980 by an amending Order when court fees payable in bankruptcy proceedings were increased and a number of fees were amalgamated or abolished. That Table is now replaced without further change. Table B of the Schedule to the 1975 Order has been amended on a number of occasions and is now updated with certain increases in the fees taken by the Department of Trade.

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