1981 No. 389

BANKRUPTCY

The Official Assignee (Fees) Regulations (Northern Ireland) 1981

Made . . . . . *7th December 1981*

Coming into operation . . . *31st January 1982*

The Department of Commerce, in exercise of the powers conferred on it by Article 34(1) and (2) of the Bankruptcy Amendment (Northern Ireland) Order 1980(a) and of every other power enabling it in that behalf, with the concurrence of the Department of Finance, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Official Assignee (Fees) Regulations (Northern Ireland) 1981 and shall come into operation on 31st January 1982.

Fees payable

2. The fees to be taken in respect of the proceedings and matters specified in the second column of the Schedule shall be those specified in the third column of the Schedule.

Manner of payment

3. The fees specified in the Schedule shall be paid by transfer from the account of the estate of a bankrupt, arranging debtor or deceased insolvent to the Department of Commerce.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 7th December 1981.

(L.S.) *W. T. McCrory*
Assistant Secretary

The Department of Finance hereby concurs with the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 7th December 1981.

(L.S.) *Desmond Cole*
Assistant Secretary

(a) S.I. 1980/561 (N.I. 4). Article 34(1) and (2) was brought into operation on 12th June 1980 by S.R. 1980 No. 165 (C. 4)

No. of Fee	Description of Proceeding or Matter	Amount
		£
1	Where the Official Assignee supervises the carrying on of the business of a bankrupt, arranging debtor or deceased insolvent— for each week or part thereof of such supervision	50.00
2	For taking an affidavit, affirmation or declaration, except proof of debt—	
	(i) for each person making the same	2.00
	(ii) for each exhibit or schedule to be marked	0.50
3	On the amount brought to credit by the Official Assignee other than cash provided under the terms of a composition (after deducting any sums paid to secured creditors in respect of their securities and any sums spent in carrying on the business of the bankrupt, arranging debtor or deceased insolvent) 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
4	On the amount distributed to creditors by the Official Assignee, other than payable in proceedings where a bankrupt or arranging debtor has made an offer of composition before the commencement of these Regulations—	
	(i) on the first £2,500 or fraction thereof	per cent. 10.00
	(ii) on the next £7,500 or fraction thereof	per cent. 7.50
	(iii) on the next £90,000 or fraction thereof	per cent. 5.00
	(iv) on all further sums	per cent. 2.50
5	For all expenses incurred by the Official Assignee in respect of official stationery, printing, postage and telephones, including notices to creditors of meetings and sittings of the Court—	
	(i) for a number of creditors not exceeding 25	82.00
	(ii) for every additional 10 creditors or part thereof	24.00
6	When the order of adjudication of bankruptcy is annulled on an application to show cause, the petitioning creditor shall pay to the Official Assignee in respect of his services	30.00
7	When the order of adjudication of bankruptcy is annulled on the ground that the Court is satisfied that the debts are or will be paid in full and the amount required to pay the debts, costs, fees and expenses of the proceedings is or has been:	
	(i) distributed by the Official Assignee and is or could have been provided from the bankrupt's assets — the scale fees calculated under Fees Nos. 3 and 4 on the amount so distributed;	

No. of Fee	*Description of Proceeding or Matter*	*Amount*
		£
	(ii) provided by a third party and distributed by the Official Assignee, the bankrupt being without assets — the scale fee calculated under Fee No. 4 on the amount so distributed;	
	(iii) distributed by the Official Assignee and is, or could have been, paid in part from the bankrupt'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. 3 and 4 have not already been charged;	
	(iv) distributed to unsecured creditors outside the proceedings with money provided by a third party — half the scale fee calculated under Fee No. 4 on the amount so distributed.	
8	When the Official Assignee has been appointed receiver following the presentation of a bankruptcy or arrangement petition	100.00
9	On the withdrawal or dismissal of an arrangement petition	25.00

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations provide for the fees to be charged by the Official Assignee in respect of proceedings under the Bankruptcy Acts. They substantially increase the amounts previously charged and provide for a number of additional fees.

1981 No. 390

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROAD TRAFFIC AND VEHICLES.