STATUTORY RULES OF NORTHERN IRELAND

2009 No. 204

INSOLVENCY

The Insolvency Practitioners and Insolvency Account (Fees) (Amendment) Order (Northern Ireland) 2009

Made - - - -	*20th May 2009*
Coming into operation	*1st October 2009*

The Department of Enterprise, Trade and Investment (**1**) makes the following Order in exercise of the powers conferred upon it by Article 361A of the Insolvency (Northern Ireland) Order 1989(**2**), in concurrence with the Department of Finance and Personnel.

Citation and commencement

1. This order may be cited as the Insolvency Practitioners and Insolvency Account (Fees) (Amendment) Order (Northern Ireland) 2009 and shall come into operation on 1st October 2009.

Amendment to the Insolvency Practitioners and Insolvency Account (Fees) Order (Northern Ireland) 2006

2.—(1) The Insolvency Practitioners and Insolvency Account (Fees) Order (Northern Ireland) 2006(**3**) ("the principal Order") shall be amended as provided by paragraphs (2) and (3).

(2) In paragraph 1(7) of Schedule 1 to the principal Order, for "the Companies (Northern Ireland) Order 1986"(**4**) substitute "the Companies Act 2006"(**5**).

(3) For the Table of fees in paragraph 2 of Schedule 1 to the principal Order substitute—

"**Table**

No. of Fee	*Description of fee and circumstances in which it is payable*	*Amount*
1	**Banking fee; winding up by the High Court and bankruptcy**	£15.00

(**1**) Formerly the Department of Economic Development; S.I. 1999/283 (N.I. 1), Article 3(5)
(**2**) S.I. 1989/2405 (N.I. 19); Article 361A is inserted by Article 26 of the Insolvency (Northern Ireland) Order 2005 (S.I.2005/1455 (N.I. 10)).
(**3**) S.R. 2006 No. 53
(**4**) S.I. 1986/1032 (N.I. 6)
(**5**) 2006 C. 46 (Article 605 of the Companies (Northern Ireland) Order 1986 will be repealed and replaced by section 1012 of the Companies Act 2006, which comes into force on 1st October 2009.)

No. of Fee	*Description of fee and circumstances in which it is payable*	*Amount*
	Where in any bankruptcy or winding up by the High Court an account is maintained with the Department in respect of monies which may from time to time be paid into the Insolvency Account, there shall be payable out of the estate of the bankrupt or, as the case may be, the assets of the company on each payment date where the liquidator or the trustee is not the official receiver, a fee of—	
1A	**Payment of unclaimed dividends or other money – administration** Where any money is paid into the Insolvency Account pursuant to regulation 3B, that payment shall be accompanied by a fee in respect of each company to which it relates of—	£25.00
1B	**Payment of unclaimed dividends or other money – administrative receivership** Where any money is paid into the Insolvency Account pursuant to regulation 3C, that payment shall be accompanied by a fee in respect of each company to which it relates of—	£25.00
2	**Cheque etc. issue fee** Where a cheque, money order or payable order in respect of monies in the Insolvency Account is issued or reissued on the application of— (a) a liquidator pursuant to regulation 7 or 8; (b) a trustee pursuant to regulation 22 or 23; or (c) any persons claiming money in that account pursuant to regulation 33, there shall be payable out of the assets of the company, the estate of the bankrupt or, as the case may be, by the claimant a fee in respect of that cheque, money order or payable order of—	£0.80
3	**Electronic funds systems (CHAPs and BACs etc.) fees** On the making or remaking of a transfer in respect of funds held in the Insolvency Account on an application made by— (a) a liquidator pursuant to regulations 7 or 8; (b) a trustee pursuant to regulations 22 or 23; or (c) any person claiming pursuant to regulation 33 any monies held in the Insolvency Account; there shall be payable out of the assets of the company, the estate of the bankrupt or, as the case may be, by the claimant, a fee in respect of that transfer as follows— (i) where it is made through the Clearing House Automated Payments System (CHAPs), a fee of— (ii) where it is made through the Bankers' Clearing System (BACs) or any electronic funds transfer system other than CHAPs, a fee of—	£10.00 £0.15".