STATUTORY RULES OF NORTHERN IRELAND

2006 No. 54

INSOLVENCY

The Insolvency (Fees) Order (Northern Ireland) 2006

Made - - - - 16th February 2006
To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000

Coming into operation 27th March 2006

The Department of Enterprise, Trade and Investment(**1**), with the concurrence of the Department of Finance and Personnel makes the following Order in exercise of the powers conferred by Article 361(1), (3) and (4) of the Insolvency (Northern Ireland) Order 1989(**2**).

Citation and commencement

1. This Order may be cited as the Insolvency (Fees) Order (Northern Ireland) 2006 and shall come into operation on 27 March 2006.

Interpretation

2.—(1) In this Order

"the commencement date" is the date referred to in Article 1;

"individual voluntary arrangement" means a voluntary arrangement pursuant to Chapter II of Part VIII of the 1989 Order;

"the 1989 Order" means the Insolvency (Northern Ireland) Order 1989; and

"the Rules" means the Insolvency Rules (Northern Ireland) 1991(**3**) (any reference to a numbered rule being to the rule so numbered in the Rules).

(2) A reference to a fee by means of letters and a number is a reference to the fee so designated in the table in Schedule 2.

Revocations and Transitional Provisions

3. The statutory provisions listed in Schedule 1 are revoked to the extent set out in that Schedule.

(**1**) Formerly the Department of Economic Development; see Article 3(5) of the Departments (Northern Ireland) Order 1999 S.I.1999/283 (N.I. 1)
(**2**) S.I.1989/2405 (N.I. 19)
(**3**) S.R.1991 No.364 as amended by S.R. 1994 No. 26, S.R. 1995 No. 291, S.R. 2000 No. 247, S.R. 2002 No. 261, S.R. 2003 No. 549, S.I. 2004/355 and S.R. 2006 No. 47

Fees payable in connection with bankruptcies, individual voluntary arrangements, deeds of arrangement and winding up

4.—(1) Subject to paragraphs (2) and (3) and Article 6, the fees payable to the Department in respect of proceedings under Parts I to X of the 1989 Order and the performance by the official receiver or the Department of functions under those Parts shall be determined in accordance with the provisions of Schedule 2.

(2) Paragraph (1) and the provisions of Schedule 2 shall not apply to a bankruptcy where the bankruptcy order was made before the commencement date except insofar as is necessary to enable the charging of fees IVA1, IVA2 or IVA3 in the case of an individual voluntary arrangement proposed by, or entered into by the bankrupt.

(3) Paragraph (1) and the provisions of Schedule 2 shall not apply to a winding up by the High Court where the winding-up order was made before the commencement date.

Fees payable to an insolvency practitioner appointed under Article 247

5. Where the High Court appoints an insolvency practitioner under Article 247(2) of the 1989 Order to prepare and submit a report under Article 248 of that Order the Official Receiver shall, on submission of the report, pay to the practitioner a fee of £310 (that sum being inclusive of Value Added Tax).

Reduction and refund of fees – individual voluntary arrangement following bankruptcy

6. Where proposals made by a bankrupt for an individual voluntary arrangement with the official receiver acting as supervisor are approved by the bankrupt's creditors, fee B1 shall be reduced to £462.50 and any payments made in respect of fee B1 which exceed that amount shall be refunded to the credit of the estate of the bankrupt.

Value Added Tax

7. Where Valued Added Tax is chargeable in respect of the provision of a service for which a fee is prescribed by virtue of any provision of this Order (other than Article 5), there shall be payable in addition to that fee the amount of the Value Added Tax.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 16 February 2006

L.S.

Michael J Bohill
A senior officer of the
Department of Enterprise, Trade and Investment

The Department of Finance and Personnel hereby concurs with the foregoing Order.
Sealed with the Official Seal of the Department of Finance and Personnel on 16 February 2006

L.S.

Mary McIvor
A senior officer of the
Department of Finance and Personnel

SCHEDULE 1

Article 3

Revocations

Reference	*Extent of revocation*
The Insolvency (Fees) Order (Northern Ireland) 1991(**4**)	The whole Order is revoked except in relation to any case where a winding-up or bankruptcy order is made under the 1989 Order before the commencement date but in such a case the Order shall continue to have effect with the deletion of all the entries in the Schedule to the Order except, in relation to a winding up by the High Court, that relating to Fee 8 in Part 1 of the Schedule and, in relation to a bankruptcy, that relating to Fee 19 in Part 2 of the Schedule.
The Insolvency (Fees) (Amendment) Order (Northern Ireland) 1992(**5**)	The whole Order.
The Insolvency (Fees) (Amendment) Order (Northern Ireland) 1996(**6**)	The whole Order.

SCHEDULE 2

Article 4

Fees payable in Insolvency Proceedings

1.—(1) In this Schedule

"the bankruptcy ceiling" means in relation to a bankruptcy, the sum which is arrived at by adding together—

(a) the bankruptcy debts required to be paid under the Rules;

(b) any interest payable by virtue of Article 300(4) of the 1989 Order; and

(c) the expenses of the bankruptcy as set out in Rule 6.222 other than—

(i) any sums spent out of money received in carrying on the business of the bankrupt; and

(ii) fee B2 in the Table set out in paragraph 2;

"chargeable receipts" means those sums which are paid into the Insolvency Account after first deducting any amounts paid into the Insolvency Account which are subsequently paid out to secured creditors in respect of their securities or in carrying on the business of the company or the bankrupt;

"the insolvency legislation" means the Insolvency (Northern Ireland) Order 1989, the Insolvency Rules (Northern Ireland) 1991 and the Insolvency Regulations (Northern Ireland) 1996(**7**); and

"the registrar" means the registrar appointed under Article 210(1) of the 1989 Order and any reference to the register is to the register to be kept by him under Article 212 of that Order.

(**4**) S.R. 1991 No. 385
(**5**) S.R. 1992 No. 398
(**6**) S.R. 1996 No. 576
(**7**) S.R. 1996 No. 574 as amended by S.R. 2006 No. 23