STATUTORY RULES OF NORTHERN IRELAND

1996 No. 576

INSOLVENCY

Insolvency (Fees) (Amendment) Order (Northern Ireland) 1996

Made - - - - 10th December 1996
To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

Coming into operation 31st January 1997

The Department of Economic Development(**1**), in exercise of the powers conferred on it by Article 361(1), (3) and (4) of the Insolvency (Northern Ireland) Order 1989(**2**) and of every other power enabling it in that behalf, with the concurrence of the Department of Finance and Personnel, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Insolvency (Fees) (Amendment) Order (Northern Ireland) 1996 and shall come into operation on 31st January 1997.

Amendment of the Insolvency (Fees) Order (Northern Ireland) 1991

2. The Insolvency (Fees) Order (Northern Ireland) 1991(**3**) shall be amended—

(a) in Article 2, by substituting for the words "the Insolvency Regulations (Northern Ireland) 1991", the words "the Insolvency Regulations (Northern Ireland) 1996"(**4**);

(b) in Article 4, by substituting for the words "The fees" at the beginning the words "Subject to Article 4A, the fees";

(c) by inserting after Article 4 the following Article—

"**Limits on certain fees**

4A.—(1) Fee No. 13 set out in Part II of the Schedule shall not exceed the sum which is arrived at by applying the scale by which that fee is calculated to such part of the payments made by the official receiver into the Insolvency Account as

(**1**) *See* Article 2(2) of S.I.1989/2405 (N.I. 19)
(**2**) S.I. 1989/2405 (N.I. 19)
(**3**) S.R. 1991 No. 385 amended by S.R. 1992 No. 398
(**4**) S.R. 1996 No. 574

a result of the performance of his functions as receiver and manager under Article 260 of the Order as is required to pay the maximum amount.

(2) Fee No. 19 set out in Part II of the Schedule shall not exceed the sum which is arrived at by applying the scale by which that fee is calculated to such part of the amounts paid into the Insolvency Account by trustees under regulation 20 and by the official receiver as receiver and manager under Article 260 of the Order as is required to pay the maximum amount.

(3) In paragraphs (1) and (2), "the maximum amount" means the total sum of—

(a) the bankruptcy debts to the extent required to be paid by the Rules (ignoring those debts paid otherwise than out of the proceeds of the realisation of the bankrupt's assets or which have been secured to the satisfaction of the High Court);

(b) the expenses of the bankruptcy other than—

(i) fees or the remuneration of the official receiver;

(ii) for the purposes of paragraph (1), any sums spent in carrying on the business of the debtor;

(iii) for the purposes of paragraph (2), any sums spent out of money received in carrying on the business of the debtor;

(c) fees payable under this Order other than Fee No. 13 and Fee No. 19 in Part II of the Schedule; and

(d) the remuneration of the official receiver, other than remuneration calculated pursuant to regulation 34 by reference to the realisation scale in Table 1 of Schedule 1 to the Regulations.

(4) For the purposes of this Article—

(a) the expression "bankruptcy debts" shall include any interest payable by virtue of Article 300(4) of the Order; and

(b) the expression "the expenses of the bankruptcy" shall have the meaning which it bears in the Rules.";

(d) in Article 7, by substituting for the amount "£135" shown in relation to a report submitted under Article 248 of the Order, the amount "£250"; and

(e) in the Schedule—

(i) by substituting for the words "Regulations 5 and 17" in Fee No. 7 in Part I, the words "Regulations 7 and 8";

(ii) by substituting for the words "Regulations 4 and 18" in Fee No. 8 in Part I, the words "Regulations 5(1) and 18";

(iii) by substituting for the words "Regulation 35" in Fee No. 9 in Part I(**5**), the words "Regulation 18";

(iv) by substituting for the words "Regulations 5 and 17" in Fee No. 18 in Part II, the words "Regulations 22 and 23"; and

(v) by substituting for the words "Regulation 4" in Fee No. 19 in Part II, the words "Regulation 20".

(**5**) Fee No. 9 was inserted by S.R. 1992 No. 398 Article 2(*c*) and Schedule