1991 No. 385

INSOLVENCY

The Insolvency (Fees) Order (Northern Ireland) 1991

Made . . . . . *20th August 1991*

Coming into operation . . *1st October 1991*

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974(**a**)

The Department of Economic Development, in exercise of the powers conferred on it by Article 361(1), (3) and (4) of the Insolvency (Northern Ireland) Order 1989(**b**) 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, commencement and application

1.—(1) This Order may be cited as the Insolvency (Fees) Order (Northern Ireland) 1991 and shall come into operation on 1st October 1991.

(2) This Order applies to proceedings under the Insolvency (Northern Ireland) Order 1989 and the Insolvency Rules (Northern Ireland) 1991(**c**) where—

(*a*) in the case of bankruptcy proceedings, the petition was presented on or after the day on which this Order comes into operation, and

(*b*) in the case of any other proceedings, those proceedings commenced on or after that day.

Interpretation

2. In this Order—

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

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

"the Regulations" means the Insolvency Regulations (Northern Ireland) 1991(**d**) (any reference to a numbered regulation being to a regulation so numbered in the Regulations).

(**a**) 1974 c. 28
(**b**) S.I. 1989/2405 (N.I. 19)
(**c**) S.R. 1991 No. 364
(**d**) S.R. 1991 No. 388

Fees payable in company insolvency proceedings

3. The fees to be charged in respect of proceedings under Parts II to VII of the Order (Company Insolvency; Companies Winding Up) and the performance by the official receiver or Department of functions under those Parts shall be those set out in Part I of the Schedule to this Order.

Fees payable in individual insolvency proceedings

4. The fees to be charged in respect of proceedings under Parts VIII to X of the Order (Insolvency of Individuals; Bankruptcy) and the performance by the official receiver or Department of functions under those Parts shall be those set out in Part II of the Schedule to this Order.

Manner of payment

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

(2) When a fee is paid to the official receiver the person paying the fee shall inform the officer whether the fee relates to a company insolvency proceeding or an individual insolvency proceeding.

Value Added Tax

6. Where Value Added Tax is chargeable in respect of the provision of a service for which a fee is prescribed in the Schedule, there shall be payable in addition to that fee the amount of the Value Added Tax.

Fees payable to insolvency practitioner appointed under Article 247

7. Where the court appoints an insolvency practitioner under Article 247(2) of the Order to prepare and submit a report under Article 248 of the Order the official receiver shall on submission of that report pay to the practitioner a fee of £135 (that sum being inclusive of Value Added Tax).

Sealed with the Official Seal of the Department of Economic Development on 20th August 1991.

(L.S.) *A. H. McAlister*
Assistant Secretary

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 20th August 1991.

(L.S.) *R. Miller*
Assistant Secretary

SCHEDULE

Fees payable under Insolvency (Northern Ireland) Order 1989

PART I Article 3

COMPANY INSOLVENCY; COMPANIES WINDING UP

No. of Fee	*Description of Proceedings*	*Amount* £
1	For the performance by the official receiver of his general duties as official receiver on the making of a winding-up order	640·00
2	For all official stationery, printing, postage and telephone charges, including notices to creditors and contributories in respect of the first meetings of creditors and contributories and of sittings of the court—	
	(i) for a number of creditors and contributories not exceeding 25	175·00
	(ii) for every additional 10 creditors and contributories or part thereof	40·00
3	(*a*) Where the official receiver decides to summon meetings of creditors and contributories under Article 116(4), for the holding of those meetings	65·00
	(*b*) Where any other meetings of creditors and contributories are held by the official receiver, for summoning and holding the meetings—	
	(i) for a number of creditors and contributories not exceeding 25	155·00
	(ii) for every additional 10 creditors and contributories or part thereof	20·00
4	On any application to the court for the rescission or recall of a winding-up order or a stay of the winding-up proceedings under Article 125 of the Order where the official receiver attends or makes a report to the court	90·00
	for each further attendance or report	45·00
5	Where the official receiver supervises a special manager or the carrying on of a company's business — for each week or part thereof	90·00
6	For taking an affidavit, affirmation or declaration, except affidavits of debt—	
	(i) for each person making the same	4·00
	(ii) for each exhibit or schedule to be marked	1·00

No. of Fee	Description of Proceedings		Amount £
7	On an application to the Department under Regulations 5 and 17 for a payment from the Insolvency 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 Account, for each cheque, money order or payable order issued or re-issued		0·65
8	For the performance by the Department of its general duties under the Order, the Rules and the Regulations in relation to the administration of the affairs of companies which are being wound up by the court, a fee in accordance with the following scale, calculated on the amount paid into the Insolvency Account by liquidators under Regulations 4 and 18 (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 company)—		
	(i) on the first £50,000 or fraction thereof	per cent	15·00
	(ii) on the next £50,000 or fraction thereof	per cent	11·25
	(iii) on the next £400,000 or fraction thereof	per cent	9·75
	(iv) on the next £500,000 or fraction thereof	per cent	5·625
	(v) on the next £4,000,000 or fraction thereof	per cent	3·00
	(vi) on all further amounts	per cent	1·50