1987 No. 419

BANKRUPTCY

The Bankruptcy (Fees and Deposit) Regulations (Northern Ireland) 1987

Made . . . . . 10th November 1987

Coming into operation . . 1st January 1988

The Department of Economic Development, in exercise of the powers conferred by Article 34(1) of the Bankruptcy Amendment (Northern Ireland) Order 1980(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf, with the concurrence of the Department of Finance and Personnel(**c**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Bankruptcy (Fees and Deposit) Regulations (Northern Ireland) 1987 and shall come into operation on 1st January 1988.

Interpretation

2. In these Regulations "the Order" means the Bankruptcy Amendment (Northern Ireland) Order 1980.

Fees payable

3.—(1) The fees to be taken in respect of the proceedings and matters specified in the first column of the Schedule shall be those specified opposite thereto in the second column of the Schedule.

(2) Where proceedings and matters specified in the Schedule attract Value Added Tax, the fees payable in respect of those proceedings or matters shall be increased by 15 per cent. Value Added Tax.

Deposit

4.—(1) Subject to paragraph (2), the deposit to be made under the Bankruptcy Acts for the purpose of covering the costs to be incurred by the Official Assignee shall be—

(i) £50 in the administration of an arrangement; and

(ii) £200 in a bankruptcy or in the administration of a deceased insolvent's estate.

(2) Payment of a deposit shall not be required on a bankruptcy petition by a debtor upon the Official Assignee being satisfied that the debtor's assets

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(**a**) S.I. 1980/561 (N.I. 4)
(**b**) By S.I. 1982/846 (N.I. 11) Art. 4
(**c**) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3

which may be immediately or promptly realised are sufficient to produce the sum of at least £400 over and above the value of the articles excepted by section 298(**a**) of the Act of 1857 and issuing a certificate that the payment of a deposit has been dispensed with pursuant to these Regulations.

Revocation

5.—(1) Subject to paragraph (2), The Bankruptcy (Fees and Deposit) Regulations (Northern Ireland) 1985(**b**) are hereby revoked.

(2) Where a bankrupt or arranging debtor has made an offer of composition before the coming into operation of these Regulations the fees payable in such proceedings shall be assessed as if these Regulations had not been made.

Sealed with the Official Seal of the Department of Economic Development on 10th November 1987.

(L.S.) *R. G. Smartt*
Assistant Secretary

The Department of Finance and Personnel hereby concurs with the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 10th November 1987.

(L.S.) *D. W. Alexander*
Assistant Secretary

(a) As substituted by 1969 c. 30 (N.I.) s. 130 Sch. 4 Pt. II; relevant amending Order is S.I. 1980/561 (N.I. 4) Art. 44(2)(*a*) and Sch. 2
(b) S.R. 1985 No. 195

SCHEDULE Regulation 3

Column 1 Description of Proceeding or Matter	Column 2 Fee
1. Supervision by the Official Assignee of the carrying on of the business of a bankrupt or deceased insolvent	£67·00 per week or part thereof
2. Taking an affidavit, affirmation or declaration, except proof of debt—	
(*a*) for each person making the same	£3·00
(*b*) for each exhibit or schedule to be marked	£0·75
3. The payments made by the Official Assignee into the Insolvency Account as assignee of the estate of a bankrupt, arranging debtor or deceased debtor under sections 267, 268 or 349 of the Act of 1857 or section 21(4) of the Bankruptcy Amendment Act (Northern Ireland) 1929(**a**) after deducting—	
(*a*) any sums paid to a person employed to assist the Official Assignee where such payment has been authorised by the Court;	
(*b*) any sums paid to secured creditors in respect of their securities;	
(*c*) any sums spent in carrying on the business of the bankrupt, arranging debtor or deceased debtor; and	
(*d*) any sums received by the Official Assignee from a receiver who has been appointed in the administration of an arrangement—	
(i) on the first £5,000 or fraction thereof	20 per cent. of that amount
(ii) on the next £5,000 or fraction thereof	15 per cent. of that amount
(iii) on the next £90,000 or fraction thereof	10 per cent. of that amount
(iv) on any further amount	5 per cent. of that amount

(**a**) 1929 c. 1 (N.I.) (20 Geo. 5)