

2009 No. 201

INSOLVENCY

**The Insolvency (Fees) (Amendment) Order (Northern Ireland)
2009**

Made - - - - - *20th May 2009*

Affirmed by resolution of the Assembly on *23rd June 2009*

Coming into operation - - - - - *1st October 2009*

The Department of Enterprise, Trade and Investment(a), 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(b).

Citation and commencement

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

Amendment to the Insolvency (Fees) Order (Northern Ireland) 2006(c)

2. The Insolvency (Fees) Order (Northern Ireland) 2006 (“the principal Order”) shall be amended as provided by Articles 3, 4 and 5.

Fees payable to an insolvency practitioner appointed under Article 247

3. In Article 5 of the principal Order for “£310”, there is substituted “£345”.

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

4. In paragraph 1(1)(b) of Schedule 2 to the principal Order for “Article 300(4)” there is substituted “Articles 300(4) and 302(2)(b)”.

5. In the Table of fees in paragraph 2 of Schedule 2 to the principal Order—

- (a) in relation to the fee designated IVA1 in the third column for the amount of “£35” there is substituted “£15”;
- (b) in respect of the fee designated as fee B1 in the second column, for the description of the fee and the circumstances in which it is charged, there is substituted—

(a) Formerly the Department of Economic Development; see Article 3(5) of the Departments (Northern Ireland) Order 1999 S.I. 1999/283 (N.I. 1).
(b) S.I.1989/2405 (N.I. 19)
(c) S.R. 2006 No. 54

“Bankruptcy – official receiver’s administration fee

For the performance by the official receiver of his general duties as official receiver on the making of a bankruptcy order, including his duty to investigate and report upon the affairs of bankrupts, there shall be payable a fee of—”;

- (c) in relation to the fee designated B2 in the second column, in the description of the fee, for “£100,000” there is substituted “£80,000”;
- (d) in respect of the fee designated as fee W1 in the second column, for the description of the fee and the circumstances in which it is charged, there is substituted—

“Winding up by the court – official receiver’s administration fee

For the performance by the official receiver of his general duties as official receiver on the making of a winding-up order, including his duty to investigate and report upon the affairs of bodies in liquidation, there shall be payable a fee of—”;

- (e) in relation to the fee designated W1 in the third column for the amount of “£1,495” there is substituted “£1,615”;
- (f) in relation to the fee designated W2 in the second column, in the description of the fee, for “£100,000” there is substituted “£80,000”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 20th May 2009.



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

The Department of Finance and Personnel concurs with the foregoing Order.

Sealed with the Official Seal of the Department of Finance and Personnel on 20th May 2009.



Jack Layberry
A senior officer of the
Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the fees charged in relation to insolvency proceedings under the Insolvency (Northern Ireland) Order 1989 (“the 1989 Order”) and earlier legislation which remains in operation in relation to cases which were commenced before 27 March 2006, the date on which the Insolvency (Fees) Order (Northern Ireland) 2006 (S.R. 2006 No. 54) (“the principal Order”) came into operation.

In any case where a bankruptcy order was made under the 1989 Order before the date that this Order comes into operation, only Fee 19 in Part 2 of the Schedule to the Insolvency (Fees) Order (Northern Ireland) 1991 (S.R.1991 No.385) (“the 1991 Order”) will continue to apply. As regards cases where a winding-up order is made under the 1989 Order before the date this Order comes into operation, only Fee 8 in Part 1 of the Schedule to the 1991 Order will continue to be payable.

Article 3 updates Article 5 of the principal Order which prescribes the fees payable to insolvency practitioners under Article 247 of the 1989 Order. The amount payable is increased from £310 to £345 to correspond with a similar increase in the deposit payable pursuant to article 4 of the Insolvency (Deposits) (Amendment) Order (Northern Ireland) 2009.

Article 5(a) reduces the fee payable under paragraph 2 of Schedule 2 to the principal Order in connection with the registration of an individual voluntary arrangement, from £35 to £15.

Articles 5(c) and 5(f) reduce the maximum amount payable for administration fees under paragraph 2 of Schedule 2 to the principal Order, from £100,000 to £80,000.

Article 5(e) increases the amount of the official receiver’s administration fee payable under paragraph 2 of Schedule 2 to the principal Order, from £1,495 to £1,615.

A Regulatory Impact Assessment was prepared for the Insolvency (Northern Ireland) Order 2005. This deals with the restructuring of the system of insolvency fees. Copies of this are available from the Legislation Unit, The Insolvency Service, Fermanagh House, 20A Ormeau Avenue, Belfast BT2 8NJ.

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