

The Bankruptcy Fees (Scotland) Regulations 2014

Scottish Ministers have laid The Bankruptcy Fees (Scotland) Regulations 2014 before the Scottish Parliament. The Regulations prescribe the fees and outlays payable to the Accountant in Bankruptcy in respect of functions performed under the Bankruptcy (Scotland) Act 1985 and will come into force on 1 April 2015 in line with the commencement of the Bankruptcy and Debt Advice (Scotland) Act 2014 ('BADAS Act').

The Regulations introduce a new fee structure for the AiB supervision of sequestrations which shall be £70 for each first year of a sequestration where no commissioner is appointed or £50 for the second and subsequent years where a commissioner is appointed. Previous fees payable for registering an award of sequestration, examining the sederunt book prior to discharge and the supervision of dividends amongst others have been withdrawn.

Fees for supervision of sequestrations and protected trust deeds shall now be due for payment at the end of each 12 month period rather than in advance. The AiB will now also be able to waive the supervision fee of a PTD where the debtor does not meet their obligations under the trust deed or has not co-operated with the administration of the trust.

The fee for issuing a determination fixing the outlays and remuneration payable to a trustee remains at 17.5% of the sum determined after deduction of statutory fees, trading expenses and expenses of realisation.

Fees are introduced for many of the new powers transferred from the courts to the AiB as part of the BADAS Act and have been set at £50. This is slightly lower than the current fee payable to the Scottish Courts Service when submitting Notes seeking an order.

The fee payable for a Minimal Asset Process debtor application is £90, down from £200 for the withdrawn LILA. The fee payable for all other debtor applications remains at £200.

[The Bankruptcy Fees \(Scotland\) Regulations 2014](#)

October 2014