

International Association of Insolvency Regulators

**Revenue and
User Fees Study**



www.insolvencyreg.org

TABLE OF CONTENTS

Introduction **1**

Background.	1
Summary Chart	2
Key Points to Note.	3

Country Reports **4**

Australia	4
British Virgin Islands	13
Canada	15
Finland	19
Hong Kong	20
Ireland	23
Jersey	26
Latvia	28
Mexico	32
New Zealand.	34
Romania	38
Russia	41
United Kingdom — England and Wales	44
United Kingdom — Northern Ireland.	52
United States of America	53

Appendix A — Questionnaire	58
Appendix 1 — Cost of Activities and Applicable fees and charges (Australia)	62
Appendix 2 — ORO Companies (Fees and Percentages) Order Chapter 32 Fees and Charges in Compulsory Winding-up of Companies (Hong Kong)	64
Appendix 3 — ORO Bankruptcy (Fees and Percentages) Order Chapter 6 Fees and Charges in Bankruptcy (Hong Kong)	68
Appendix 4 — Fees the Court charges to a trustee or liquidator (including the ORO) (Hong Kong).	72
Appendix 5 — Amount charged by the court to other organizations during the administration of an insolvent estate (Hong Kong)	73
Appendix 6 — Statement of Services Performance results for year 2006-2007 (New Zealand).	74
Appendix 7 — Court Fees (United Kingdom)	75
Appendix 8 — Fees to begin the administrative proceeding and charge to change the character of the proceeding (United States of America)	76
Appendix 9 — Charges on Disbursements (United States of America) . .	77

INTRODUCTION

International Association of Insolvency Regulators

At its 2006 annual meeting in Mexico City, The International Association of Insolvency Regulators (IAIR) agreed that Canada would be commissioned to prepare a study on Revenues and User Fees.

The Office of the Superintendent of Bankruptcy (OSB) has created a questionnaire (Appendix A) in order to address questions related to Revenues and User Fees and funding mechanisms for insolvency regulators. The OSB has received a number of completed questionnaires and has compiled the results which are contained in this report. The following countries have been included in the report.

Australia (ITSA)
British Virgin Islands
Canada
Finland
Hong Kong
Ireland
Jersey
Latvia
Mexico
New Zealand
Romania
Russia
United Kingdom- England and Wales
United Kingdom- Northern Ireland
United States of America

Background

The purpose of this study is to compare the various types of fees and levies charged for activities in the insolvency system. This study also explores how such fees and levies are treated in different countries, how they are set and how they make their way in the regulatory framework and also whether the revenues are retained by organizations.

Moreover, the study intends to enhance the knowledge surrounding revenue structures in different jurisdictions by comparing services, financing structure, fees and service standards. The following summary chart will help readers quickly identify countries with particular properties they wish to study.

Summary Chart

Table 1: Summary Chart of Revenues and User Fees Properties

	Australia ITSA	British Virgin Islands	Canada	Finland	Hong Kong	Ireland	Jersey	Latvia	Mexico	New Zealand	Romania	Russia	UK-England and Wales	UK-Northern Ireland	United States
Professional licensing?	Y	Y	Y	N	N	N	N	Y	Y	N	N	Y	Y	Y	N
Licensing fee?	Y	Y	Y	N	N	N	N	Y	Y	N	N	N	Y	Y	N
Revenues retained by organization?	N	P	N	N	N	N	N	N	Y	N	N	N	*	N	N
Registration of proceedings?	Y	N	Y	N	N	N	N	N	N	Y	Y	N	Y	Y	N
Registration fees?	P	N	Y	N	N	N	N	N	N	Y	Y	N	Y	Y	N
Revenues retained by organization?	N	N	Y	N	N	N	N	N	N	N	Y	N	*	N	N
Administration of insolvent estates?	Y	Y	N	N	Y	N	Y	N	*	Y	N	N	Y	Y	Y
Administration fees?	Y	Y	N	N	Y	N	Y	N	*	Y	N	N	Y	Y	Y
Revenues retained by organization?	N	P	N	N	N	N	Y	N	*	N	N	N	*	N	P
Levy charged?	Y	N	Y	N	Y	N	Y	Y	N	N	Y	N	N	N	N
Levy retained by organization?	N	N	Y	N	N	N	Y	N	N	N	Y	N	N	N	N
Insolvency products and services offered to the public?	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	*
Fees charged for products and services?	P	N	Y	N	Y	N	P	N	N	N	Y	N	P	N	N
Revenues retained by organization?	N	N	Y	N	N	N	Y	N	N	N	Y	N	*	N	N
Y= Yes	N=No		P= Partial			* not determined									



Key Points to Note

A few noticeable points can be made with respect to the way revenues and user fees are treated in insolvency organizations.

- Most organizations that license private sector professionals to carry on the administration of insolvency estates charge a licensing fee.
- Only a small number of organizations register insolvency proceedings and a fee is usually charged for the registration.
- Organizations that have the responsibility for the administration of insolvent estates charge fees in most cases however these revenues are not normally retained by organizations.
- Some organizations charge a levy. Half of them retain these revenues and half of them do not.
- The majority of organizations provide information products or services to the public. Some charge fees for specific services but most of the information products can be found free of charge on the organizations' websites.
- In organizations where fees are charged, they are usually to cover costs and expenses.

COUNTRY REPORTS

Australia

General Overview

The Insolvency and Trustee Service Australia (ITSA) is an Executive Agency within the Attorney-General's portfolio. ITSA administers the personal insolvency system and is not involved in corporate insolvency matters. The Chief Executive, who is also the Inspector-General in Bankruptcy, is appointed by and reports to the Attorney-General on ITSA's performance.

ITSA has specific roles when acting as either the Official Receiver, Inspector-General in Bankruptcy or Official Trustee.

As Official Receiver, ITSA's role is to operate the bankruptcy registry, where debtors' petitions are lodged, debt agreement proposals are processed and public records on insolvency are maintained; to exercise Official Receiver powers to assist trustees to obtain information and recover property; and to provide information about bankruptcy and its alternatives.

As Inspector-General in Bankruptcy, ITSA's role is to investigate possible offences under the *Bankruptcy Act 1966* and prepare briefs of evidence for prosecution; and to regulate the administrations and activity of trustees (including the Official Trustee) and debt agreement administrators, including licensing private trustees and debt agreement administrators.

As Official Trustee, ITSA's role is to administer personal bankruptcies and Part IX debt agreements and Part X agreements when private bankruptcy trustees or other administrators are not appointed; advise Government on appropriate legislative reforms to the Bankruptcy Act and related legislation; and act as a special trustee for Government agencies, pursuant to court orders, particularly by locating, controlling and selling property under the *Proceeds of Crime Act 1987*, *Proceeds of Crime Act 2002* and *Customs Act 1901*.

ITSA's activities are funded by an annual appropriation from the budget. The appropriation is broadly based on ITSA's workload. Some of that funding is recovered in fees and charges levied by ITSA and paid into Consolidated Revenue.

ITSA's fees and charges are set in line with the Government's Cost Recovery Policy. In broad terms, that policy requires that users of Government services should generally pay to access those services unless other policy considerations mean they should be funded in another way (such as from the Budget) and that fees and charges should recover the costs of the services to which they relate.

ITSA's fees and charges have been set in accordance with this policy since 1 July 2006. Before introducing new fees and charges on that date, ITSA conducted a comprehensive review of all fees and charges. That review was undertaken in consultation with stakeholders and a Cost Recovery Reference Group was established. The Reference Group consists of representatives of the peak bodies representing stakeholders with an interest in personal insolvency. The consultation ensures the process for determining ITSA's fees and charges is transparent.

Australia

The Government decided not to charge a fee for presenting a debtor’s petition or debt agreement proposal. That decision was made on the basis that a fee could prevent debtors in financial distress from accessing the relief they need. Also, in accordance with the cost recovery policy, ITSA’s costs in developing bankruptcy policy reform and supporting the Minister, are not recovered in fees. All other services provided by ITSA are subject to fees and charges. These consist of direct fees for services, where the beneficiary of the service can be clearly identified and the service is provided directly to that person and an industry levy payable by creditors which covers various costs associated with the integrity of the system.¹

ITSA does not retain any part of the revenue from fees and charges.

Professional Licensing

ITSA requires that private trustees and debt agreement administrators are to be registered. Decisions are based on the applicant’s qualifications, experience and knowledge as described in the legislation. An application to be registered as a trustee is considered by a committee consisting of the Inspector-General or his delegate, another Australian Public Service employee and a representative of the Insolvency Practitioners’ Association of Australia. An application to be registered as a debt agreement administrator is considered by the Inspector-General or his delegate.

The registration lasts for three years and can be renewed for further periods of three years. The renewal of registration does not involve further interviews and is granted upon payment of the applicable fee.

The service standards are set by the legislation which requires a decision on registration as a trustee to be made within 60 days of interviewing the applicant and a decision on registration as a debt agreement administrator to be made within 60 days of the application being made.

The licensing fee structure is based on the concept that the beneficiary of this service is the trustee or administrator (or the person applying to be registered). Therefore, it is appropriate that the costs of providing this service are met by that person on a fee for service basis.

The licensing fee structure recognizes the work involved in considering applications, registering practitioners (which includes maintaining records) and renewing registration. The fees cover the full accrued costs attributable to providing this service. This includes salary and associated costs of the employees doing the work, depreciation, property, etc., as well as the relevant proportion of corporate overheads. All of ITSA’s fees and charges are reviewed biennially to ensure they remain at a level which recovers the cost of providing the services to which they relate.

¹ Further details about the cost recovery arrangements (including a detailed Cost Recovery Impact Statement) are available on ITSA’s website (www.itsa.gov.au).

Australia

The fees payable in relation to registration as a trustee or debt agreement administrator are the same. The application fee is set at AU\$2,000, the registration fee (if the application is successful) at AU\$1,200 and AU\$1,200 for renewal of registration every three years. However, ITSA does not retain this revenue.

Registration of Proceedings

The registration process put in place requires that debtors' petitions are to be filed with the Official Receiver who accepts them if statutory requirements are met. The petitioner becomes bankrupt when the petition is accepted. The bankruptcy is recorded on the National Personal Insolvency Index (NPII). If a person is made bankrupt on a sequestration order, the petitioning creditor must provide a copy of the order to the Official Receiver. The bankruptcy is then recorded on the NPII.

As for debt agreement proposals, they are required to be filed with the Official Receiver for processing. The proposal is accepted for processing if statutory requirements are met and the Official Receiver processes the proposal by notifying creditors, conducting the voting process and advising of the result. Debt agreement proposals and resulting debt agreements are recorded on the NPII.

A debtor who wishes to enter into a personal insolvency agreement under Part X of the Act executes an authority in favour of a controlling trustee who takes control of the debtor's affairs, investigates those affairs and puts the proposal to creditors. That authority must be registered with the Official Receiver who records the fact that the authority was given on the NPII. Where a personal insolvency agreement is subsequently made, a trustee is appointed and the trustee must provide a copy to the Official Receiver who records the fact that the agreement was made on the NPII. There are no fees for processing debtors' petitions or debt agreement proposals. These services are taxpayer-funded. A fee is however payable for processing a proposal under Part X.

The service standards that are established for debtor's petitions, debt agreement proposals and personal insolvency agreement proposals, are set by ITSA's Client Service Charter which promises acceptance within one day of receipt of the properly completed documents. As for debt agreement proposals, the Charter promises the proposal will be sent to creditors for their vote within five days of accepting the proposal and that the debtor will be advised of the outcome within five days after the end of voting.

The Government decided not to impose fees on debtors for processing debtors' petitions and debt agreement proposals. It was decided that doing so could provide a disincentive to debtors to access the relief afforded by bankruptcy and other forms of personal insolvency. This aim of personal insolvency policy overrides cost recovery policy and these services are taxpayer-funded. However, there is a fee charged for processing a Part X proposal.

Australia

The fee charged for Part X proposals covers the full accrued costs attributable to providing this service. This includes salary and associated costs of the employees doing the work, depreciation, property, etc., as well as the relevant proportion of corporate overheads. All of ITSA's fees and charges are reviewed biennially to ensure they remain at a level which recovers the cost of providing the services to which they relate. The fee for registering a controlling trustee authority is set at AU\$200 however, this revenue is not retained by ITSA.

Administration of Insolvency Estates

The Official Trustee administers bankrupt estates, personal insolvency agreements and debt agreements where no (private) registered trustee or administrator is appointed. This includes the majority of bankrupt estates which contain no assets, will pay no dividend to creditors and will not generate fees for a trustee or other administrator. It also includes the administration of bankrupt estates which potentially have realisable assets or could involve possible bankruptcy offences where further investigations may indicate that there are no realisable assets. It also includes administrations which default to the Official Trustee where a trustee or administrator is deregistered, dies or is otherwise unable to continue the administration. The Official Trustee has the same obligations as registered trustees and administrators.

The Official Trustee is remunerated only where assets are realized. The cost of administering assetless estates and conducting preliminary investigations where there may be assets or offences is funded through ITSA's annual appropriation on the basis that it contributes to the integrity of the system. However, no formal service standards are set for the administration of insolvent estates.

The administration fee is structured considering that where an administration results in realizations, it is appropriate that the costs of administering the matter should be met out of the funds available (effectively by creditors) on a fee for service basis. The cost of conducting preliminary investigations in estates which may have assets or which may involve bankruptcy offences is recovered through the realizations charge. The cost of processing estates which have no assets and which are administered by the Official Trustee is taxpayer-funded.

The fees recover the full accrued costs attributable to providing this service. This includes salary and associated costs of the employees doing the work, depreciation, property, etc., as well as the relevant proportion of corporate overheads. Legal costs and other disbursements incurred in relation to a matter are charged directly to the estate. As stated previously, all of ITSA's fees and charges are reviewed biennially to ensure they remain at a level which recovers the cost of providing the services to which they relate.

Australia

The administration fees depend on the type of insolvency estate. For Bankrupt estates the fee is set at AU\$3,000 plus 20% of the money received (where a bankruptcy administration includes the management of a debtor's business, an additional fee of AU\$50 per 15 minutes applies for time spent in managing the business). The post-bankruptcy compositions is established at 20% of the value of the proposal accepted by creditors. The debt agreements fees are set at 20% of the value of the proposal accepted by creditors. When it comes to control authorities under Part X they are of AU\$50 per 15 minutes or part thereof and personal insolvency agreements are of 20% of the value of the proposal accepted by creditors. ITSA does not retain these revenues.

The court does not charge fees to ITSA during the administration of these files. However, court filing fees are levied on petitioning creditors.

As stated previously, the cost of processing estates which have no assets and which are administered by the Official Trustee is taxpayer-funded.

Levy

There is a levy that is charged by ITSA for insolvency files. A "realizations charge" is payable by trustees and administrators at the end of each financial year. It is a percentage of amounts realized in bankrupt estates, post-bankruptcy compositions, debt agreements and personal insolvency agreements. The amount payable is assessed by the trustee/administrator and ITSA reconciles this with information provided at the end of the year about individual estates to ensure the correct amount is paid.

In addition, trustees/administrators are required to pay an "interest charge" which is the net interest earned on funds held in trust by trustees and administrators each year. Trustees and administrators are required to pay the proceeds of realizations into a single interest-bearing account and remit the interest each year to the Commonwealth. However, no formal service standards are established for dealing with the levy.

The levy is structured on the basis that the services covered by the levy enhance the integrity of the system. Creditors as a group benefit from this and it is not possible to ascertain, in a particular matter, the cost of providing the service. As such, it is appropriate that creditors meet these costs by the imposition of a levy which is payable in priority to all other payments (including remuneration of the trustee or administrator and dividends to creditors).

The realizations charge is designed to recover a number of costs. These include monitoring compliance by trustees and debt agreement administrators with their legislative obligations; reviews of certain trustee decisions by the Inspector-General; preliminary enquiries in bankrupt estates with potential realizations; investigation of possible offences by debtors, creditors and others; and providing information of legislative changes, topical issues, practices and procedures to insolvency professionals, creditors and financial counsellors.

Australia

The review of the levy is consistent with the review of other fees and charges such as that all of ITSA's fees and charges are reviewed biennially to ensure they remain at a level which recovers the cost of providing the services to which they relate. The levy is established at 3.5% of realizations in bankruptcies, debt agreements and personal insolvency agreements; however, ITSA does not retain these revenues.

Information Products and Services

ITSA provides a range of information products and services such as maintaining public records of bankruptcy and providing general information products and services. The first category consists of maintaining the NPII and providing access to certain publicly available information about individual matters (such as the debtor's/bankrupt's statement of affairs). There are fees associated with these services.

The general information category includes information and training products for those in the sector, quarterly statistics, a biennial Profile of Debtors and a range of publications explaining how ITSA works. There are no fees for these services although some of the costs are recovered in the realizations charge.

The Inspector-General has a statutory responsibility to maintain the NPII and to provide access to that information. Access to NPII information is provided by ITSA as well as by a number of commercial organizations acting as ITSA's agents. The Official Receiver is responsible for maintaining files about individual matters and for providing access on request.

There are no service standards covering timeliness of the provision of NPII information. However, ITSA's Client Service Charter promises that the information will be accurate and easily accessible to the public for a fee and that we will update the NPII within one day of receipt of information. The Charter also promises that for a fee, ITSA will provide access to all publicly available records of any bankruptcy or other personal insolvency under the Bankruptcy Act.

The determination of the fees related to information products and services are based on the fact that the beneficiary of the services for which fees are charged (obtaining NPII information and access to public information about individual matters) is the person requesting access. It is appropriate that the cost of providing the service be recovered from that person on a fee for service basis. The fee covers the full accrued costs attributable to providing this service. This includes salary and associated costs of the employees doing the work, depreciation, property, etc., as well as the relevant proportion of corporate overheads. As the fee is set to recover costs, in line with Government policy, matters such as the market value of the information were not considered.

The fee structure recognizes the different ways in which NPII is provided. Specifically, it provides direct access at an ITSA office; access by an agent who then provides the information to the inquirer; and bulk/regular provision of information through the Personal Insolvency Reporting Service (PIRS).

Australia

Access to publicly available information held by the Official Receiver occurs on an ad hoc basis. There is no fee payable by a creditor who requests access to this information on the basis that a creditor has a right to the information. However, the fee is payable if it is requested by other members of the public. These fees are also reviewed biennially to ensure they remain at a level which recovers the cost of providing the services to which they relate.

The fees currently put in place for NPPI are AU\$22 per browse list and AU\$22 per extract for searches conducted at ITSA offices, AU\$14 for each access to the NPPI by agents, AU\$1.62 per record for PIRS clients and AU\$20 plus AU\$2 per page copied for inspection of public documents. The fees are always charged where they apply. However, ITSA does not retain these revenues.

As for restrictions in respect of redistribution, ITSA's arrangements with PIRS clients provide that they must use the information only for the purpose of ascertaining bankruptcy and cannot use or re-use the data for any other purpose. ITSA's arrangements with search agents provide that they can provide the data only to their customers for a fee.

Fees or Revenues of Other Activities or Services

Among other activities or services that ITSA provides, the Official Receiver has the power to issue a "Bankruptcy Notice". A Bankruptcy Notice can be issued where the creditor has obtained judgment for a debt which remains unpaid. Where the debtor does not comply with the bankruptcy notice, this is an act of bankruptcy which can be used as the basis of a creditor's petition and lead to a sequestration order being made against the debtor. Failure to comply with a bankruptcy notice is the most common act of bankruptcy relied upon by creditors to make a debtor bankrupt.

As for service standards, ITSA's Client Service Charter promises that ITSA will issue bankruptcy notices within one day of receiving properly drafted notices and be responsive to requests for amendments and extensions of time.

In the case of bankruptcy notices, there are two beneficiaries of this service. One is the creditor requesting that the notice be issued. It is appropriate that the cost be recovered from the applicant creditor on a fee for service basis. The other is the body of creditors who are able to settle their debts outside of bankruptcy with the aid of a bankruptcy notice. In these cases, the creditors benefit from the effectiveness of the regulatory, compliance and enforcement aspects of the bankruptcy system without having to pay the realizations charge because the debtor does not become bankrupt or enter some other form of personal insolvency administration. To ensure the creditors who do pay the realizations charge do not subsidise creditors who get a result using a bankruptcy notice, 25% of the costs recovered through the realizations charge is included in the costs to be recovered by the fees payable for issuing bankruptcy notices.

Australia

The fees recover the full accrued costs attributable to providing this service. This includes salary and associated costs of the employees doing the work, depreciation, property, etc., as well as the relevant proportion of corporate overheads. All of ITSA's fees and charges are reviewed biennially to ensure they remain at a level which recovers the cost of providing the services to which they relate. The fee charged for issuing a bankruptcy notice is set at AU\$400 and the application for extension of time for the service of a bankruptcy notice is set at AU\$100. However, ITSA does not retain these revenues.

Another activity that generates a fee or revenue is the Official Receiver's powers to assist trustees. The Official Receiver has a number of coercive powers to assist trustees in the administration of estates. These powers are exercised by the Official Receiver at the request of a trustee. The powers include accessing premises accompanied by the trustee; issuing notices for the production of information and conducting examinations of bankrupts; issuing notices for the payment by a third party of income contributions; and issuing notices for the recovery of void transfers of property (under the antecedent transaction provisions). ITSA's Client Service Charter promises that the office will assist bankruptcy trustees to administer bankruptcies by issuing notices within one day of receipt of the settled notice.

The beneficiary of these services is the trustee on behalf of the bankrupt estate. It is appropriate that the trustee meet these costs, out of the bankrupt estate, on a fee for service basis. The fees cover the actual costs attributable to providing this service. This includes salary and associated costs of the employees doing the work as well as the relevant proportion of corporate overheads. Also, all of ITSA's fees and charges are reviewed biennially to ensure they remain at a level which recovers the cost of providing the services to which they relate. Although a fee is charged of AU\$400 plus AU\$50 per 15 minutes or part thereof if in excess of 2 hours, ITSA does not retain there revenues attached to this service.

Another service that ITSA provides includes the taxation of trustees' costs and remuneration. The Inspector-General has the power to tax a trustee's remuneration and/or costs in administering an estate. An application must be made and the Inspector-General appoints a taxing officer who conducts the process. The taxing officer may be an ITSA employee or someone external to the organization. There are no formal service standards applying to this function.

The beneficiary of the service is the person requesting the taxation and it is appropriate that the applicant meet the costs on a fee for service basis. The fee covers the full accrued costs attributable to providing this service. This includes salary and associated costs of the employees doing the work, depreciation, property, etc., as well as the relevant proportion of corporate overheads. These fees and charges are also reviewed biennially. The fee set for this service is AU\$50 per 15 minutes or part thereof although these revenues are not retained by ITSA.

Australia

There are also other types of administrations that are taken care of by ITSA. The Official Trustee also administers other matters outside usual bankruptcy proceedings. These include property under proceeds of crime legislation; pre-bankruptcy control orders; and 'special' administrations for other Government agencies (such as the Child Support Agency or Customs) which usually involves the sale of property in accordance with a Court order.

There are no specific service standards applying to these types of administrations. In relation to 'special' administrations, this may be covered in the agreement with the other agency involved.

The fee is structured considering that the beneficiary of the service is the person or agency on whose behalf the property is administered and it is appropriate that the applicant meet the costs on a fee for service basis. In the case of proceeds of crime orders, the administration costs are payable to the Official Trustee before the balance is paid to other Government funds. This fee covers the actual costs attributable to providing this service. This includes salary and associated costs of the employees doing the work as well as the relevant proportion of corporate overheads. These fees are also reviewed biennially to ensure they remain at a level which recovers the cost of providing the services to which they relate.

The fee charged for proceeds of crime and pre-bankruptcy control orders is set at AU\$50 per 15 minutes or part thereof and the fee for 'special' administrations is set by agreement with the other agency depending upon the work to be performed.

ITSA does not retain these revenues. However, 'special' administrations, a service outside of ITSA's formal role, and the fees earned are retained and used directly by ITSA, unlike the statutory fees applied to its core functions. The revenue earned represents a miniscule proportion of total revenue collected which represents less than AU\$0.2m out of total revenue in excess of AU\$24m.²

² A schedule summarising ITSA's services and the fees and levies applying to them is provided in Appendix 1.

British Virgin Islands

British Virgin Islands

General Overview

The British Virgin Islands Financial Services Commission (BVIFSC) is an autonomous regulatory agency of the British Virgin Islands (BVI) government. It is a statutory corporation formed under the auspices of the Financial Services Commission Act, 2001.

On January 1, 2002, the BVIFSC took over the functions of the Financial Services Department of the British Virgin Islands government. The collection of licence and other fees from regulated entities and annual company registration fees (through the Registry of Corporate Affairs) now form part of the organization's functions.

The funding arrangement is decided each year between the BVIFSC and the Government, as they agree on a budget. From this budget, the organization determines what percentage of licensing and company registry fees will be retained. The BVIFSC may retain these fees in order to meet its costs and expenditures, rather than having to pass them over to the government.

The Insolvency Services Division, a division that is part of the BVIFSC, charges various types of fees. These fees include an annual insolvency licensing fee to insolvency practitioners; an application fee to process applications for an insolvency practitioners' licence; and, is also entitled to levy regulatory penalties in respect of breaches of applicable legislation or standards.

In addition to its regulatory role, the BVIFSC appoints and provides office support and infrastructure to an Official Receiver (OR). The OR is entitled to charge fees in insolvency cases to which he is appointed. In this respect, the fees charged by the OR are subject to the availability of assets in the insolvent estate.

Professional Licensing

The BVIFSC licenses insolvency practitioners to carry on the administration of insolvency estates. The application to become a licensed professional must be completed in the prescribed form and follow the specific criteria. Specifically, practitioners must be British Virgin Islands residents; they must be fit and proper; they must have the proper qualifications and experience; and, have some form of security (such as professional indemnity insurance).

Once the application has been processed, the Division's recommendation is accepted or declined by the BVIFSC's Licensing and Supervisory Committee. There are no formal service standards for the licensing process.

However, the licensing fee was set at the time the insolvency practitioners' licensing was introduced. The fee structure was determined as a result of a benchmarking exercise with other jurisdictions that also license insolvency practitioners. These fees were not designed to recover any specific costs or groups of costs.

British Virgin Islands

BVIFSC's review of licensing fees is not yet determined, however, the current intention is not to review the fee for at least three years. The licensing fee is currently established at US\$ 2,500 per annum for a full license. As discussed previously, a portion of the overall income originating from licensing fees are retained by the BVIFSC.

Registration of Proceedings

BVIFSC does not register insolvency proceedings.

Administration of Insolvent Estates

The BVIFSC's responsibility for the administration of insolvency estates is linked to the Official Receiver's appointment. In fact, the OR may be appointed by the Court as a liquidator, a provisional liquidator, a receiver or a trustee in bankruptcy. No formal service standards are set in this respect.

Pursuant to British Virgin Islands insolvency law, the OR charges fees on the same basis as the private sector insolvency professional would. Namely, they charge fees on an hourly basis or as a percentage of realizations. The OR's hourly rate is determined as a result of the benchmarking exercise that considered the private sector practitioners. They are intended to be in line with the fees charged in the private sector. The administrative fees are designed to defray (rather than recover) the costs of the OR's office and staff overhead. Furthermore, most of the OR's cases are assetless and therefore the fees are generated in only a minority of cases. For costs associated with handling insolvent estates that do not generate sufficient funds to meet costs and expenses, such costs are currently met by the BVIFSC. There is no set policy to review the administration fees, however, it is likely that they will be reviewed every two to three years.

As for the retaining of fees for administering insolvent estates, the application of OR's fees remains subject to the agreement between the BVIFSC and British Virgin Islands' government. The court does not charge fees to the BVIFSC or other organizations during the administration of an insolvent estate.

Levy

The BVIFSC does not charge any levy.

Information Products and Services

The Official Receiver is required to maintain a register of Bankruptcy Restriction Orders and Bankruptcy Restriction Undertakings pursuant to section 418 of the Insolvency Act, 2003. These have application to personal, rather than corporate, insolvency procedures. No formal service standards are applicable for this register and this service is free of charge, although statutory provisions enable a fee to be charged if required. Furthermore, no restrictions are imposed with respect to redistribution of the information.

Fees or Revenues for Other Activities or Services

No other fee or revenue is received.

Canada

General Overview

The Office of the Superintendent of Bankruptcy (OSB) is an agency of Industry Canada, a department of the Government of Canada. It is charged with the supervision of the administration of all estates and matters to which the *Bankruptcy and Insolvency Act (BIA)* applies in Canada including bankruptcy procedures for individuals and corporations, commercial proposals (reorganizations), consumer proposals and receiverships.

In the Canadian regime, most government departments' expenses are covered by appropriations which are monies voted by the Parliament of Canada from general tax revenues. Generally, the revenues from the payment of fees or charges must be deposited into the Consolidated Revenue Fund of the Government of Canada. An organization wishing to spend their revenues must have a specific authority from Parliament to do so.

The OSB became a Special Operating Agency (SOA) of the federal government in 1997. SOA status provides the OSB with the capacity to use its revenues to deliver its mandate. Accordingly, the OSB can pay operational expenses incurred in a fiscal year out of receipts from fees and levies received during that same fiscal year. The OSB's compliance and administrative activities are almost exclusively funded by the fees and levies it collects.

As part of the move to full cost recovery, the OSB reviewed all fees in 2001. It also looked at measures to reduce cost and improve OSB compliance activities.

In 2004, the Canadian government adopted new legislation regarding user fees charged by a government regulatory authority for delivering products and services. This new legislation provides for greater transparency in the cost recovery and fee setting activities of regulatory authorities, by requiring them to engage in additional consultations with service users before introducing or amending fees. This new legislation also states that the regulatory authority must establish service standards against which the performance of the regulatory authority can be measured. In addition, the legislation promotes benchmarking with other countries.

Professional Licensing

The OSB licenses private sector professionals to carry on the administration of insolvency estates. These are professionals that meet the specific criteria and qualifications to obtain and to maintain a trustee license in respect to the Superintendent's requirements as specified in Directive 13R. The OSB licenses both individual and corporate trustees to administer insolvency files.

Canada

In order to become an individual trustee in bankruptcy, individuals must meet a number of pre-requisites. Specifically, these include that an applicant must: not be an insolvent person and not have been in a state of insolvency within five years preceding the date of the application; possess a Canadian university degree or its equivalent, or hold a relevant professional designation recognized in Canada or have a minimum of five years relevant work experience; have successfully completed the National Insolvency Qualification Program and the National Insolvency Examination; have successfully completed the Insolvency Counsellor's Qualification Course, as established by the Superintendent of Bankruptcy; be in good standing with, and not subject to any current disciplinary action by any professional organization of which the applicant is a member.

The National Insolvency Qualification Program (NIQP) was created in 1997 to provide a national training program to qualify trustees. It was created as an agreement between the OSB and the Canadian Association of Insolvency and Restructuring Professionals (CAIRP) in order to increase the level of knowledge of insolvency professionals. The NIQP is a three year joint education process that consists of a body of knowledge, a prescribed course of study, a tutorial, written examinations, the National Insolvency Examination (NIE) and an oral examination before a Board of Examination.

The NIQP also manages the Insolvency Counsellor's Qualification Course (ICQC) which needs to be successfully completed in order to provide counselling services to debtors as required under the BIA.

Individuals are allowed ten years from the date of enrolment to complete the NIQP, with no more than three attempts at any examination, including the NIE and the oral board examination.

The licensing fee structure was determined after taking into account comparable professional fees to those for other professional associations in Canada.

The licensing fee is payable on issuance of a trustee license and the renewal fee is payable by December 31 of each year. The initial fee is CAN\$300 and the annual renewal fee is CAN\$850. These fees are not retained by the OSB, they are remitted to the Government of Canada.

Registration of Proceedings

OSB personnel register the insolvency proceedings carried out under the BIA, such as bankruptcies, proposals and receiverships. Most of the proceedings are filed electronically. However, there are specific insolvency procedures that have to be filed under paper format such as receiverships and bankruptcy partnerships. The registration fees described below are paid at the beginning of the insolvency process since it is at that time that the bulk of the work takes place.

The service standard on registration of insolvency proceedings provides that paper registrations will be completed within two business days. No service standards have been established for electronic registrations as most are reviewed electronically and an immediate response is provided. Commercial proposals and bankruptcy procedures for corporations, though received electronically, still require the involvement of an officer.

Canada

Registration fees are determined under the *Bankruptcy and Insolvency General Rules*. Registration fees vary from CAN\$70 to CAN\$150 per estate according to the type of proceeding. Specifically, the OSB charges CAN\$75 for summary administration bankruptcies; CAN\$150 for repeat summary administration bankruptcies; CAN\$150 for ordinary administration bankruptcies; CAN\$75 to change from summary administration to ordinary administration; CAN\$100 for consumer proposals; CAN\$150 for commercial proposals and CAN\$70 for receiverships.

In 2006-2007, the registration fee receipts amounted to CAN\$9.3 million. The OSB retains these fees to finance its operations.

Administration of Insolvent Estates

The BIA states that one of the responsibilities of the OSB is to “supervise the administration of all estates and matters to which this Act applies.” However, it is the trustee’s responsibility to administer the insolvency estates including the liquidation of assets. When the insolvency estates are at risk because of the actions of a trustee, the OSB may, through the issuance of conservatory measures, direct another trustee to take over the administration of the files and deal with the property of the estate in order to protect it.

Commercial insolvency procedures are filed with the local court. However, most consumer insolvencies, specifically summary administration bankruptcies and consumer proposals, are generally not filed with the court. Only if a legal procedure is undertaken during the course of the administration of these estates are they then filed with the court.

Pursuant to the *Bankruptcy and Insolvency General Rules*, fees payable to the court officers at the time of the opening of a file vary from CAN\$50 to CAN\$150 depending upon the insolvency procedure. Other fees are also payable but are based on the local court.

Levy

The Superintendent’s levy represents a percentage of the dividends distributed to creditors and is generally paid to the OSB at the close of an insolvency proceeding (at the same time as payments to creditors). The rate of the levy is prescribed under the *Bankruptcy and Insolvency General Rules*. It varies according to the type of proceeding and the total amount of dividend paid.

The rate of levy payable in an ordinary bankruptcy is five per cent of the first CAN\$1,000,000, one and one-quarter per cent of the second CAN\$1,000,000, plus one-quarter of one per cent of the amount in excess of CAN\$2,000,000.

The rate of levy payable in a proposal is five per cent of the first CAN\$1,000,000, one and one-quarter per cent of the second CAN\$1,000,000, and zero per cent of the amount in excess of CAN\$2,000,000.

Canada

The rate of levy payable for an estate under summary administration is 100 per cent of the first CAN\$200 and zero per cent of the amount in excess of CAN\$200.

The total proceeds from levy in 2006-2007 were CAN\$21.9 million. The OSB retains these proceeds to finance its operations.

No service standard is applicable as the payment is made by the private sector professional charged with the administration of the estate.

Information Products and Services

The OSB offers a number of insolvency information products and services. Several of these products and services are provided by the OSB for a fee.

The OSB Name Search Service will confirm whether or not individuals or businesses have started insolvency proceedings. A request for a search can be made by telephone, fax or Internet. The fee for this service is CAN\$8 per query as prescribed under the *Bankruptcy and Insolvency General Rules*. A service standard of one business day applies to fax requests. Telephone requests are answered immediately. Immediate access to the database is provided with Internet searches.

Bulk data from the public record of insolvency proceedings is also made available, through electronic transfer. The OSB relies on the *Financial Administration Act* to enter into service contract agreements with bulk data users. The cost of accessing the public record is prorated by the number of records required, for example, by province or by commercial vs. consumer files. The OSB currently has eight contracts with monthly charges ranging from CAN\$2,500 to CAN\$20,000. No service standard has been established.

OSB Unclaimed Dividends Search Service allows creditors to quickly and easily search OSB records for unclaimed monies that may be owed to them from a past bankruptcy or proposal. There are currently more than 60,000 records in the database with a total amount of unclaimed dividends of more than CAN\$10,000,000. The largest single amount of an unclaimed dividend is CAN\$179,636. The database can be searched free of charge, however, a CAN\$30 fee accompanied by supporting documentation is required for each unclaimed dividend requested. No service standard has been established.

The revenue from insolvency information products and services was CAN\$2.7 million for the 2006-2007 fiscal year. The OSB retains these fees to finance its operations.

Finland

General Overview

The Bankruptcy Ombusman's Office (BO) in Finland is an independent authority attached to the Ministry of Justice. BO supervises the administration of all bankruptcy estates, including bankruptcy procedures for individuals and corporations. The organization also has the duty to monitor the direction of proceedings relating to the reorganization of companies.

All funding for The Bankruptcy Ombusman's Office comes from the government. These funds are allocated through the Ministry of Justice's budget. BO's annual budget for its activities is about 1 million euros.

Another funding arrangement includes appropriation for the system of public receivership. However, this appropriation imposes the responsibility on the government for bankruptcy related costs in assetless cases.

Professional Licensing

The BO's Office does not licence private sector professionals to carry on the administration of estates.

Registration of Proceedings

The BO's Office does not register insolvency proceedings. The registration of insolvency proceedings is done by the courts.

Administration of Insolvency Estates

The BO's Office does not have the responsibility of administering insolvency estates. Bankruptcy estates are administered by private sector lawyers (attorneys) in Finland.

Levy

The BO does not charge any fees or levies for its services or activities.

Fees or Revenues of Activities or Services

The BO's Office does not collect fees or levies from other activities, products or services.

Hong Kong

General Overview

The Official Receiver's Office (ORO) is a government department under the Financial Services and the Treasury Bureau of the Government of the Hong Kong Special Administrative Region of the People's Republic of China.

Under the Companies and Bankruptcy Ordinances, the Official Receiver (OR) is empowered to administer insolvency matters. The ORO's role in this matter is to administer insolvency cases when appointed by the court or creditors to act as liquidator or trustee; to act as liquidator or trustee of last resort in small cases; to investigate the affairs of bankrupts, directors, and officers of insolvent companies; report to the court on causes of business failure; take action on prosecuting persons for insolvency offences; apply to the court for disqualification orders against unfit company directors of the wound-up companies; to monitor the conduct of the private insolvency practitioners, invest estate funds of both compulsory and voluntary liquidations, audit trustees' and liquidators' accounts and investigate complaints against liquidators and trustees.

The OR also carries out duties such as to review and propose changes to laws, policies and legal procedures relating to insolvency issues; and, to provide support to other government departments and statutory bodies involved in insolvency matters.

For the administration of the ORO, funding is allocated from the central government based on the past expenditure pattern. The funded activities include the general administration of the ORO; prosecuting persons for insolvency offences, applying to the court for disqualification orders against unfit company directors of the wound-up companies; and, outsourcing liquidation cases with estimated assets not exceeding HK\$200,000 to the private insolvency practitioners.

The Official Receiver charges fees according to the scales laid down in the Companies Ordinance and Bankruptcy Ordinance. All fees collected are transferred to the central government.

Professional Licensing

There is no formal licensing process for private sector professionals that carry on the administration of insolvency estates in Hong Kong. However, there is an open tendering system for the ORO to outsource liquidation cases with estimated assets not exceeding HK\$200,000.

Registration of Proceedings

The ORO does not register insolvency proceedings.

Hong Kong

Administration of Insolvency Estates

The ORO plays a role in the administration of insolvency estates. When acting as a trustee or a liquidator, the Official Receiver investigates the affairs of bankrupts, directors and officers of insolvent companies; realizes assets and distributes dividends to creditors; and administers the Bankruptcy Ordinance and the winding-up provisions in the Companies Ordinance.

The ORO's service standards can be described by the performance pledges that are to be followed. As such, the cases that have insufficient assets for distribution should be placed on the release programme within 12 months from the date of the bankruptcy order or winding-up order. In cases where there are sufficient assets for distribution to creditors, the dividends should be distributed within 9 months from the date where distribution is possible. Another performance pledge includes that for liquidation cases where assets are likely to exceed HK\$200,000, a decision to hold the first meeting of creditors and contributories should be made within 8 weeks from the date of the winding-up order. In these cases, the meetings should be held within 12 weeks from the date of the winding-up order. However, for bankruptcy cases where assets are likely to exceed HK\$200,000, a decision to hold a general meeting of creditors should be made within 12 weeks from the date of the bankruptcy order. The meeting should be held within 16 weeks from the date of the bankruptcy order.

The ORO charges fees to administer insolvent estates. For liquidation cases, the fee was determined by the Companies (Fees and Percentages) Order under the Companies Ordinance (Appendix 2). In bankruptcy cases, the fee structure was determined by the Bankruptcy (Fees and Percentages) Order under the Bankruptcy Ordinance (Appendix 3). These administration fees are designed to cover all costs and are reviewed annually. The administration fees are set as a percentage of monies realized in the estate. However, the ORO does not retain those fees.

The court charges a trustee or a liquidator (including the ORO) a number of fees (Appendix 4).

In addition to these fees, the court also charges fees to other organizations or persons during the administration of an insolvent estate. In bankruptcy cases, a bankrupt who makes an application for an early discharge would have to pay a HK\$528 fee to the court. Also, a search in the High Court Registry (other than by a petitioner, trustee, bankrupt or any officer of the court) for a document or file will cost HK\$18 (Appendix 5).

No funding arrangements are set for handling insolvent estates that do not generate sufficient funds to meet cost and expenses. The shortfalls are written off.

Hong Kong

Levy

The ORO charges levy that is collected by transferring amounts from the estate account to the Government General Revenue account. The levy structure is based on a fixed sum and a percentage, for example 10% on the value of assets realized. The levy level may be adjusted by taking into account the overall revenue/expenditure position of the ORO. The levy is designed to cover all the chargeable activities in the ORO including investment of the estate funds, administration of the cases, services to the public, outsourcing of the liquidation summary cases (i.e. value of assets not likely to exceed HK\$ 200,000) and auditing/checking of the accounts submitted by the liquidators/trustees. However, the ORO does not retain these Revenues. The levy is reviewed annually (See appendix 2 and 3 for amount of Levy).

Information Products and Services

The ORO provides to the general public a public search service. This service enables a member of the general public or an organization to find out if a person is bankrupt or if a limited company is in compulsory winding up. Another service provided by the ORO is the issue of certificate of non-bankruptcy. This service enables a member of the general public to have a certificate that proves that the member is not bankrupt.

There is no provision in the Companies and Bankruptcy Ordinance prescribing that the ORO has the statutory responsibility to provide the service. However, there are search fees provisions in the Ordinances which imply that the ORO is required to provide the service.

In providing these services, the ORO's service standards imply that the search results for the public search service will be available within 3 hours upon payment of the fee for over the counter search application at ORO. For requests by mail, the search results will be sent out within 3 working days from receipt. Search applications that are made using a computer terminal at ORO will be available within 1 hour upon payment of the fee. For a batch search that is made using a floppy diskette, the search results will be available within 2 hours upon payment of the fee. As for the Certificates of non-bankruptcy, they can be issued within 3 working days from the date of receipt of the application.

The fee and other charges are determined by the overall revenue/expenditure position of the ORO. As there are no similar services offered in the market, the cost of producing such service cannot be considered on the same basis. The public search service is HK\$85 per search but does not apply if the searches are made by government departments. The fee established for the Issue of certificate of non-bankruptcy is set at HK\$205. Both these fees are reviewed annually and the revenues are not retained by ORO. No restrictions apply in terms of redistribution of information.

Fees and Revenues for other activities or services

There are no other fees and revenues charged for other activities or services.

Ireland

General Overview

The Director of Corporate Enforcement (“The Director”) is a corporation sole and an independent officer of State who is charged with functions such as to enforce the Companies Acts, including by the prosecution of offences by way of summary proceedings; to encourage compliance with the Companies Acts; to investigate instances of suspected offences under the Companies Acts; at his or her discretion, to refer cases to the Director of Public Prosecutions where the Director of Corporate Enforcement has reasonable grounds for believing that an indictable offence under the Companies Acts has been committed; to exercise, insofar as the Director feels it necessary or appropriate, a supervisory role over the activity of liquidators and receivers in the discharge of their functions under the Companies Acts; and, for the purpose of ensuring the effective application and enforcement of obligations, standards and procedures to which companies and their officers are subject, to perform such other functions in respect of any matters to which the Companies Acts relate as the Minister of Enterprise Trade and Employment considers appropriate and may by order confer on the Director.

The Director may also perform such other functions for a purpose referred to as may be assigned to him or her by or under the Companies Acts or any other Act. Furthermore the Director may do all such acts or things as are necessary or expedient for the purpose of the performance of his or her functions under this or any other Act.

The Director is independent of all Departments of State including the Department of Enterprise Trade and Employment in the performance of his compliance and enforcement functions. The staff in the Office of the Director of Corporate Enforcement (ODCE) whilst under his control are seconded from the Department of Enterprise Trade and Employment; and the Garda Síochána (the Irish police force).

Apart from minor matters (such as payments for requests under the Freedom of Information Act and Data Protection Acts), the ODCE is funded by a vote of the House of the Oireachtas (Parliament) as a sub head of the budget of the Department of Enterprise Trade and Employment.

The salaries of the officers of the ODCE seconded by the Department of Enterprise Trade and Employment are paid by that Department and the Garda Síochána pays for the salaries of the members of the Garda Síochána.

All costs of the Office are funded through this sub head, save the salary costs of the members of the Garda Síochána which are covered by the Department of Justice, Equality and Law Reform.

The ODCE does not benefit from any sums received by the Office in respect of its activities as all such amounts are returned to the Department as appropriations in

Ireland

aid. Such receipts, for example, may include any legal costs received by the Office arising from successful Court actions or payments for requests under the Freedom of Information Act and Data Protection Acts.

Funding is normally agreed in negotiations with the Department of Enterprise, Trade and Employment on a multi-annual basis, normally on a three year cycle, subject to overall Department of Finance approvals. However, there are no fees or levies charged by the ODCE.

Professional Licensing

The ODCE does not licence private sector professionals.

Registration of Proceedings

The ODCE does not register insolvency proceedings.

Administration of Insolvent Estates

The ODCE does not have responsibility for the administration of insolvent estates including the liquidation of assets.

Levy

The ODCE does not charge a levy.

Information Products and Services

The ODCE provides a large amount of information in accordance with its role of promoting compliance with company law.

This information can be found at the ODCE website (at www.odce.ie). Information products include approximately 40 Information Booklets, Decision Notices, Consultation Papers and other publications which cover diverse topics such as Apartment Owner Management Companies, Disclosure Requirements under the Companies Acts, the Rights and Responsibilities of Directors and other participants in Companies.

Also included on the ODCE's website are lists of liquidated insolvent companies. The ODCE also publishes an End of Year Review in early January and an Annual Report by early June which provides statistical information on its compliance and enforcement work vis-à-vis company law. There is a telephone and email information service which provides information free of charge to the general public on compliance with the Companies Acts.

Additionally, the ODCE is happy to make presentations on its work to representative groups including professional organizations and to academic and training bodies including the bodies engaged in training lawyers and accountants.

Ireland

The ODCE provides these services free of charge in accordance with its function of encouraging compliance with the Companies Acts in the public interest.

As for service standards, the ODCE complies with quality customer care standards and in this regard, has in place a Customer Charter and the 'Principles of Quality Customer Service'.³

The ODCE encourages distribution of its published information and subject to the principles of "fair use" in copyright law, the ODCE on most occasions waives all rights to material produced by it.

Fees or Revenues for Other Activities or Services

The ODCE does not receive any other fees or revenues.

³ Details of Customer Charter and the 'Principles of Quality Customer Service' are available on the ODCE website at http://www.odce.ie/en/media_general_publications_article.aspx?article=00937a93-229e-4563-a8b0-bb51da422232

Jersey

General Overview

The Viscount's Department is an Agency of the Judiciary that is publicly funded out of annual Governmental budget. It charges a percentage of levy against assets realized that is treated as income.

Professional Licensing

Jersey does not license private sector professionals to carry on the administration of insolvency estates.

Registration of Proceedings

The agency does not register insolvency proceedings. Formal registration is carried out by the Court, though the agency records and presents such data for information purposes.

Administration of Insolvent Estates

The organization is the administrator of all insolvency estates. The service standards for the administration of insolvent estates are imposed by the legislation and by agency performance pledges.

The administration fee is structured as per the Political Act. As they are set now, the fees are designed to cover all costs incurred in the administration of insolvency estates and they are reviewed every three years. Additionally, the court charges the Viscount's Department and other organizations fees that are established in a tariff.

In cases where the insolvent estates do not generate sufficient funds to cover costs and expenses, the organization has recourse to public funding which applies in exceptional cases.

Levy

The Viscount's Department charges levy against realization. The service standards for dealing with such levy are prescribed in the Public Finances Law and determined by the Political Act. It represents a percentage that is set out in a tariff (broadly 10%) which is reviewed every three years. The levy is treated as income.

Information Products and Services

The Viscount's Department provides insolvency information on its website (at www.gov.je/Viscount). This includes products such as guidance notes; creditors' reports and circulars; and departmental annual reports. The Viscount's Department has some statutory responsibility to provide information products for products such as the reports to creditors. The associated service standards are prescribed by the Statute and Departmental service pledges.

There are fees charged for some information products such as for archives searching, where a scale is applied. These fees are also treated as income. However, the cost of producing circulars and reports to creditors is met out of asset realizations. The fee structure is based on the cost of producing and delivering the information products or services. These fees are reviewed annually.

Some information is supplied on a restricted basis. As an example, reports to creditors are not authorised to be further circulated.

Latvia

General overview

Latvian state agency “Insolvency Administration” (hereinafter — Insolvency Administration) is a public institution established in the State person of the Cabinet of Ministers (Government) in accordance with the Public Agency Law. The Agency is under the supervision of the Ministry of Justice.

The activities of the Insolvency Administration are aimed at implementing the state policy regarding insolvency proceedings, protecting the interests of employees in the event of the insolvency of their employer, and safeguarding the interests of the state and those of the general public in insolvency matters as set forth by law.

The Insolvency Administration’s financial resources includes funds out of the State budget subsidy from common revenues; business risk levy; revenues charged for providing public services; and donations, gifts and financial aid of foreign states.

The costs for public services are treated as Insolvency Administration expenses. Incomes received from providing public services are used to recover these expenses.

Professional Licensing

In order to become administrators, applicants must meet a number of requirements. As such, only a natural person who has higher education in law, economics, management or finance, or not less than three years of practical work experience in exercising management or supervisory roles or executive authorities in a company, meet the requirements for obtaining a certification in the administrator specialization. The Insolvency Administration will then issue a certificate in conformity with the Law on the Insolvency of Undertakings and Companies.

One function of The Insolvency Administration is to prepare and to certify administrators. The Insolvency Administration organizes activities related to the issuing of the Certificate (for obtaining the Administrator certificate) and the reissuing of active administrators (for obtaining the certificate of the recertification of the Administrator). Other functions of The Insolvency Administration include examinations, issues, reinstating and withdrawals of certificates of the Administrator.

To obtain an Administrator’s certificate, administrator must complete an education program in: theory of law; civil law and civil proceedings law; insolvency proceedings; accountancy and fiscal law; taxes and levies; economics and management of company; Labour law and Labour safety; office work and archives; administrative proceedings.

In order to qualify for the examination, a compulsory provision requires that applicants have completed the education program.

Latvia

Once these requirements are met, applicants will proceed to the examination. These results are determined by a special institution — the Certification Commission. If the Certification Commission's assessment is positive, the director of The Insolvency Administration decides to confer administrator qualification and the certificate is issued. The certificate of Administrator is valid for two years. In order to continue professional activities after that period, administrators have to reactivate the certificate. The certificate of Administrator is reissued for another period of two years.

Educational program includes courses and seminars, providing necessary requirements for the professional activities of administrators. Education is spent with insolvency experts like judges, professional administrators and other specialists. For an extension of the certificate, administrators have to attend not less than one course and one seminar. The Insolvency Administration provides not less than four seminars and two courses per year for administrators.

For examination and extension of the certificate there is a state levy that applies to recover costs concerning the activities of the examination process (like premises, lecturers and other administration expenses) and the extension of certificate of Administrator.

The amount of state levy is defined by the government. According to the Cabinet of Minister's regulation Nr. 1047 from 19 December, 2006, state levy for organization of examination for applicants is 236 LVL and for extension of certificate of Administrator is 59 LVL. The amount of state levy has not been reviewed since 2003.

Also there is a fee for the training of applicants. The training (organized education for applicants) fee is defined by the Cabinet of Minister's regulation Nr. 241 from 5 April, 2005 and it is 354 LVL. The total sum for receiving the certificate of Administrator is 590 LVL.

Registration of Proceedings

The Insolvency Administration does not have an insolvency register where all information about insolvency proceedings can be found. The Insolvency Administration's public accessible data base includes information on: licensed Administrators; list of the insolvent companies with appointed administrators recommended by The Insolvency Administration; "line of Administrators recommendation" which is the order according to which Insolvency Administration chooses the Administrator to be recommended to court. Insolvency Administration chooses and recommends administrator candidates to court by the principle of accident. To operationalize this, Insolvency Administration holds five lists of administrators, each for the appropriate regional court and five lists of debtors, also each for the appropriate regional court, to select an administrator from the list for each debtor.

Latvia

This information is available at the Insolvency Administration home page (www.mna.gov.lv) and it should be used only for informative purposes and is free of charge to provide necessary awareness of all interested insolvency proceedings.

In January 2008 new “Insolvency Law” will come in to force and it provides that there will be a public “Insolvency Register”, where all the information about insolvency proceedings will be registered.

Administration of Insolvent Estates

The Insolvency Administration is not responsible for the administration of insolvent estates. However, its role is to supervise administrators who are responsible for the administration of insolvent estates.

Levy

The Business risk levy is part of the financial resources of the Insolvency Administration. The business risk levy is collected by the State revenue service and transferred to the appropriate State budget account.

The Business risk levy is paid for each employee by employers who provisionally could become insolvent. The amount of the business risk levy is defined by the Government each year and forms the Employees’ Guarantee Fund which is operated by the Insolvency Administration.

The Insolvency Administration holds and manages resources of the fund, and organizes accounting of financial means and payments thereof to satisfy employees’ claims. The Employees’ Claims Guarantee Fund shall be used exclusively to satisfy employees’ claims. In the case of a surplus of financial means of the Employees’ Claims Guarantee Fund, it would be spent in the following financial year.

According to the Cabinet of Ministers regulation Nr. 1047 from 8 November, 2005, in 2006 the business risk levy was 0,25 LVL, and 60 578 LVL from the total income of the levy was counted in the Employees’ Guarantee Fund.

According to the Cabinet of Ministers regulation Nr. 721 from 29 August, 2006, in 2007 the business risk levy is 0,25 LVL, and 213278 LVL from the total income of the levy is counted in the Employees’ Guarantee Fund.

Information products and services

The Insolvency Administration provides information to the public by means of its website. Statistical data can be found on the number of administrators that have been recommended to the court from 2004 till now. Information about administrators and insolvent businesses, e.g., which Administrator is recommended to court for a specific debtor, can also be found on the website.

Latvia

According to the Cabinet of Ministers regulation Nr. 328 from 10 May, 2005, The Insolvency Administration creates and supports the data base of administrators and provides that the administrators' data is made publicly available.

All information available on the Insolvency Administration's website is free of charge.

Fees or Revenues for Other Activities or Services

The Insolvency Administration also affords legal advice in insolvency related matters. According to the Cabinet of Ministers regulation Nr. 241 from 5 April, 2005, legal advising costs are 23,60 LVL per hour.

Other Insolvency Administration public services include; the issuing of the duplicate of the administrators certificate which is set at 35,40 LVL; the organization of the seminar which is 8,85 LVL per hour; and, the organization of the course which is 141,60 LVL per course.

Income received from providing public services is used to recover service expenses.

Mexico

General Overview

The Instituto Federal de Especialistas de Concursos Mercantiles (hereinafter “IFECOM”) is an auxiliary entity that belongs to the Federal Judiciary Council. The Federal Judiciary Council is the institution in charge of supervising the Federal Judiciary Power, exception made out of the Supreme Court of Justice.

The unique IFECOM’s resources are those determined by the budget of the Federal Judiciary Council. The funds received by IFECOM are determined by the Federal Public Budget approved by the Camara de Diputados (House of Representatives), to the Federal Judiciary Council. Then the council establishes an amount for IFECOM from that approved budget.

IFECOM does not charge any fees or levies for its activities or services.

Professional Licensing

The Instituto Federal de Especialistas de Concursos Mercantiles (IFECOM) has official criteria in order to select and register professionals. Once the professionals have submitted their application form notifying the IFECOM that they want to register, they are interviewed and evaluated by means of a test. If the candidates’ results are satisfactory, they then become registered as insolvency professionals.

To be registered as an IFECOM insolvency professional, applicants must meet the following requirements; they must have at least five years of experience in the field of business administration, finance, law or accounting; they cannot hold public office; and they must prove that they have not been convicted of a felony related to public service or the financial system.

Professional licensing fee does not apply any more.

Registration of Proceedings

There is no formal registration of insolvency proceedings.

Levy

There is no formal levy charged on dividends distributed at the close of an insolvency proceeding.

Information Products and Services

IFECOM has a statutory responsibility to generate statistical information on insolvencies. Additionally, the organization publishes a number of current insolvency proceedings on IFECOM's website.

The statistical report on insolvencies is presented to the Supreme Court and to the Judicial Council and is thereon posted on the website. These statistics are generated every semester.

Performance standards also apply to the list of insolvency proceedings and information regarding insolvent companies. Such information is handled carefully in order to maintain the confidentiality of personal information. The organization only provides information related to definitive sentences and to interested creditors and debtors in order for them to be updated on the status of a proceeding.

The publications provided by IFECOM are available on the website free of charge.

IFECOM does not impose restrictions with respect to the redistribution of information. The information published by IFECOM is public, in compliance with the Federal Transparency and Access to Government Public Information Act.

Fees or Revenues of Other Activities or Services

IFECOM does not receive other fees or revenues.

No other source of funding is retained by IFECOM other than the resources determined by the budget of the Judicial Council. That is, the funds received by IFECOM are determined by the Federal Public Budget approved by the Càmara de Diputados (lower House of Congress), to the Judiciary Council. Then the council establishes an amount for IFECOM from that approved budget.

New Zealand

General Overview

The Insolvency and Trustee Service (ITS) is a business unit of the Ministry of Economic Development (MED), a New Zealand government department. The organization is headed by the Official Assignee, which is a statutory position created by the Insolvency Act.

As a government department, the ITS is in effect fully funded up to its budget level by tax revenue by the government, however any fees that are recovered are paid to the government to offset the budget allocation of NZ\$9.64m. Therefore the more fees recovered the less the overall contribution made from the government from tax revenues. For the 2005/2006 year the revenue provided by the New Zealand government from taxes was \$8,648,000 and fees taken from recovered assets of NZ\$992,000.⁴

A time cost is charged for both bankruptcies and liquidations. Section 276 and 277 of the Companies Act 1993 provide for the Official Assignee's remuneration when administering liquidations. Section 277 provides for the Governor-General from time to time to, by Order in Council, make regulations to fix or prescribe the amount of rates of remuneration.

In bankruptcy, s406 of the Insolvency Act 2006 ('the Act') provides for the Official Assignee to charge remuneration for carrying out his or her duties at the rates fixed or prescribed under s407 of the Act. Section 407 provides for the Governor-General to, by Order in Council, make regulations to fix or prescribe the amount of rates of remuneration. These can be prescribed as hourly rates; different rates for work down in bankruptcy by different classes of persons; rates in reference to the net value of assets realised; rates for the exercise of particular functions or powers; or rates by reference to any other criteria. The current rates fixed in the regulations for both bankruptcy and liquidation administration is set out in detail below.

Professional Licensing

ITS does not licence external organizations to administer insolvencies. In New Zealand all bankruptcies (personal insolvencies) are administered by the ITS. ITS also administer some court appointed liquidations of companies (corporate insolvencies) although the majority of court appointments are private insolvency practitioners.

External private insolvency practitioners may administer company liquidations in New Zealand, however at present there is no professional registration body and in effect anybody (apart from those prohibited under the Companies Act 1993) may set themselves up as a liquidator.

⁴ This can be seen at the MED 2005/2006 Annual Report web page: http://www.med.govt.nz/templates/MultipageDocumentPage___22864.aspx#P2990_152778

New Zealand

The Ministry of Economic Development's Competition, Trade and Policy branch has examined the possibility of registering or licensing private insolvency practitioners. A final decision on this may be available mid 2008.

Registration of Proceedings

ITS is responsible for the registration of debtors petitions for bankruptcy, Summary Instalment Order applications and applications by debtors to enter a No Asset Procedure (an alternative to bankruptcy introduced by the Insolvency Act 2006 for consumer debtors). Creditors can also seek an order of adjudication of bankruptcy for a debtor by petition to the High Court.

The Insolvency Act 2006 Act requires all debtors, regardless of the type of proceedings being applied for, to provide a completed statement of affairs form which is to be filed prior to filing their application for an insolvency procedure. The statement of affairs requires the debtor to make a full disclosure of his or her financial position. The Assignee may reject a statement of affairs that in the Assignee's opinion is incorrect or incomplete.

Applications for bankruptcy, Summary Instalment Orders and No Asset Procedures can be made by a debtor through an online service provided through the ITS website. This includes an online statement of affairs form. These services are available to debtors who register themselves (free of charge) as a user on the website. Alternatively, a debtor can seek the assistance of an advisor to complete the necessary applications or they can make an application telephonically through the ITS call centre using a free call telephone number. Paper based application forms are also available to debtors.

The registration fee for bankruptcy applications initiated by a debtor has been set at NZ\$200 while the fee for applying for a Summary Instalment Order is NZ\$100. There is no charge to debtors who apply to enter a No Asset Procedure. These registration fees are only recovered at the conclusion of administration from any assets realised and therefore do not hinder debtors from accessing the procedures through requiring an upfront payment. A 3rd party can apply for an adjudication order through the High Court and the fee for this is NZ\$450.

Some company liquidation orders are made in the High Court and the fee to file this application is approximately NZ\$400.⁵

5 See: <http://www.justice.govt.nz/fees/feeschedule.html>

New Zealand

Administration of Insolvent Estates

ITS is responsible for the full administration and management of all bankruptcy and No Asset Procedure matters in New Zealand as well as matters in which the Official Assignee is appointed liquidator. The responsibilities include: the realization of assets, the payment of dividends, enforcement of breaches of relevant Acts, management of debtor and creditor clients from adjudication through to discharge. The Official Assignee is also responsible for overseeing the administration of Summary Instalment Supervisors who are invariably private sector debt counsellors. To facilitate the administration, ITS provides a case management system linked to a trust account controlled by the Official Assignee. This system is accessed by the Supervisors through a secure link to the ITS website.

The Statements of Service Performance results for 2006-2007 are set out in Appendix 6.

For the administration of insolvent estates, the fee structure is set according to statutory regulation and was determined on a cost recovery basis. These fees were designed to cover the cost of wages of staff, operating expenditure and overheads to administer the insolvent estates. For bankruptcy and Liquidation administration the fees are charged on a time cost recovery basis. For Summary Instalment Orders however, a commission is charged as this was thought to be more readily quantifiable to facilitate payment plans. Other disbursements such as legal costs or agent's costs are paid separately from the estate.

The fees were reviewed as part of the development and implementation of the Insolvency Act 2006. The fees can be altered by an Order in Council penned by the Governor General.

ITS does not retain the fees charged as all fees go into the overall government account to offset the budget allocation received from government. The court does not charge ITS any fees unless the ITS wishes to file proceedings as in any court application.

Funding from government tax revenue is used to handle insolvent estates where these estates do not generate enough funds to meet the costs and expenses.

The current fee for bankruptcy and liquidation administrations is:

For liquidations, the greater of either—

- (a) An amount of NZ\$2,000; or
- (b) A fee calculated on an hourly rate in accordance with the following:
 1. For work undertaken by the liquidator, including any Deputy Official Assignee where the liquidator is the Official Assignee, NZ\$200 per hour or part of an hour;
 2. For work undertaken by an accountant or solicitor employed by the liquidator, NZ\$200 per hour or part of an hour;
 3. For work undertaken by any other employee of the liquidator, NZ\$140 per hour or part of an hour.

New Zealand

In bankruptcy, the time cost rates are provided in the Insolvency Act 2006 ('the Act') as read with clause 18 of the Insolvency (Personal Insolvency) Regulations 2007 which provides for the same amount of hourly rates of remuneration as for liquidations, that is:

1. The Assignee and Deputy Assignee: NZ\$200 per hour;
2. Legal and accounting staff: NZ\$200 per hour;
3. Insolvency officers: NZ\$140 per hour.

The amount and the hourly rates specified above are exclusive of goods and services tax

For the ITS's role in overseeing the administration of Summary Instalment Orders, the Official Assignee receives a commission of 2.5% of all contributions made by the debtor for the life of the SIO. The Supervisor is entitled to a fee of 7.5% of the contributions received.

Levy

The ITS does not charge a levy.

Information Products and Services

The ITS has a statutory responsibility to maintain a register of bankruptcies and No Asset Procedures. In addition, ITS also maintains a register of Summary Instalment Orders which were commenced under the Insolvency Act 2006. These registers are made available free of charge through an online searchable database (at www.insolvency.govt.nz).

In addition to the registers, ITS is also required under the relevant provisions of the Insolvency Act and the Companies Act to provide creditor reports relating to the administration. The reports provide creditors with details such as trust account information, claim details, assets and dividend prospects as well as any other relevant information. These reports are updated in real-time from the ITS case management system and are available free of charge to all creditors and the debtor of a particular estate via secure access from the ITS website.

Also available on the ITS' website are insolvency statistical and demographic reports (PDF); general information on topics related to personal bankruptcy, annulment from bankruptcy, discharge from bankruptcy, overseas travel while bankrupt, working while bankrupt, No Asset Procedures, Summary Instalment Orders and company liquidation, frequently asked questions, National Enforcement Unit and Proceeds of Crime Unit. ITS also provides a free telephone call contact centre service.

There are no formal service standards established for providing the information products and services. As they are provided free of charge, no restriction apply for redistributing this information.

Fees and Revenues for other Activities and Services

ITS does not charge fees for other activities or services.

Romania

General Overview

The National Trade Register is organized as a public institution, under the supervision of the Ministry of Justice. Ministries are specialized bodies of the Central Public Administration carrying out government policy in their domains of activity. Ministries are organized and operate under the authority of the Government.

The National Trade Register Office (NTRO) is fully financed from in-house revenues and therefore, does not receive funds from the Government of Romania. NTRO may access European funds through the ministry under whose supervision it operates. The Trade Register Offices are organized under the supervision of the National Trade Register Office and operate attached to law courts.

The organizational structure and how the National Trade Register Office and the Trade Register Offices attached to law courts operate, as well as the maximum number of employees are established by the Organization and Operation Regulation approved by Order of the Minister of Justice.

The National Trade Register Office is managed by a General Director appointed by the Minister of Justice, under the law. Detached Magistrates may also be appointed in the position of General Director, under the law. The Trade Register Offices attached to law courts are managed by directors appointed by the Minister of Justice, according to law.

The necessary personnel required for the operation of the National Trade Register Office and of the Trade Register Offices attached to law courts are selected by competition, under the law. The personnel are appointed by the General Director of the National Trade Register Office.

Financing of current and capital expenses related to the activity of the National Trade Register Office and of the Trade Register Offices attached to law courts is obtained from fees and fares charged for performed operations. Such fees and fares may be annually updated by Government Decision, based on the relevant supporting note submitted by the Ministry of Justice and taking into consideration the results of the previous year, included in the annual financial standing. Also, fees are charged for delivery of copies and/or information from the trade register, as well as from the Insolvency Proceedings Bulletin, a publication issued by the National Trade Register Office. Fares are charged for publication in the Insolvency Proceedings Bulletin of the documents issued by the insolvency practitioners within the proceedings they participate in.

Professional Licensing

The organization does not license private sector professionals to carry out administration of insolvency estates.

Registration of Proceedings

The Insolvency Proceedings Bulletin was established with a view to publishing the following types of proceedings documents:

- a) summons, accompanied, where appropriate, by oppositions, recourses, contestations, other requests;
- b) communications and judgments pronounced within the insolvency proceedings;
- c) convocations;
- d) notifications;
- e) other proceedings documents laid down by law.

Charges for the publication of the proceedings documents in the Bulletin are based on the fees approved by Order of the Minister of Justice, annually updated, depending on the inflation rate, under the sanction of not being published if the legal fees are not paid.

Payment of fees for publication in the Bulletin is exempted for the proceedings documents for which the law expressly sets out that the courts applying the insolvency proceedings shall submit and enforce them.

In case there is no cash available in the debtor's account and the courts order the publication in the Bulletin of certain proceedings documents drawn up by judicial administrators and by liquidators, fees related to the publication thereof are retained by the National Trade Register Office directly from the liquidation fund.

In order to support the expenses for issuing and distributing the Bulletin a fund is made available to the National Trade Register Office. This has been the case since the first issue of the Bulletin was published.

The publication fee is calculated by document page, containing 32 lines, i.e. 34 LEI/ document page, and includes charts and attached annex lists. In case the document page contains up to 16 lines, half of the publication fare per page is applied.

For publication of the proceedings documents within 24 hours as of registration, an additional fare of 50% is applied. Publication fees are annually updated depending on the inflation rate.

All obtained revenues are retained by the institution.

Administration of Insolvent Estates

The organization does not have any responsibility for the administration of insolvent estates.

Romania

Levy

The National Trade Register Office charges fees and tariffs for performed operations. The fees have as object the registrations in the trade register and the tariffs are reflected in the operations of delivery of copies, insolvency bulletins, information, certificates of status attesting whether a document or fact is registered in the trade register or whether a document is published in the Insolvency Proceedings Bulletin. Through the Assistance Office, organized against payment, within the trade register, a large range of operations is covered, such as obtaining administrative documents necessary to registrations in the trade register or drawing up the documents required by the law, containing various amendments to the applicants' constitutive documents. The amount of these fees is calculated so that to cover only the administrative expenses deriving from the operations performed. The rest of the fees become revenues of NTRO, calculated as to cover the financing of the institution.

Information Products and Services

The Insolvency Proceedings Bulletin Department, organized within NTRO, also provides information to the interested public having as object the debtor's insolvency file registered at the level of this Department in compliance with the communications made by insolvency practitioners and courts.

Consequently, statistical, punctual or historical information on the registered debtors are delivered. Also, the possibility of acquiring the Insolvency Proceedings Bulletin is offered on paper or in electronic format through monthly, quarterly or annual subscriptions. Moreover, the applicants may acquire copies of the Bulletin or may obtain certified copies of the proceedings documents published in the Bulletin.

The obligation of providing such services is a legal one; the fees that have to be paid are laid down in legal norms — Orders of the Minister of Justice, Government Decisions, all such amounts representing revenues for NTRO.

There is also a category of information that is provided for free of charge referring to punctual data on a debtor — the court judging the case, file number, debtor's name, registration number in the register of incorporation, debtor's fiscal identification, bulletin number where a proceedings act was published and the status of such proceedings.

There are imposed restrictions, i.e. the applicants are not allowed to use the information obtained for their own commercial purpose. Upon identification of such cases, legal provisions shall be enforced.

Russia

General Overview

The ministry of economic development and trade of the Russian Federation (MEDT) is a governmental authority. Financing of the ministry is carried out from the state budget. The ministry does not provide any services on a paid basis.

Professional Licensing

Each Insolvency Practitioner is obliged to obtain membership in the Self-regulated organization (SRO) of Insolvency Practitioners. The Federal Registration Service (FRS) is a governmental authority responsible for registration and control over SROs.

A SRO prepares required documents (according to the list) and sends them to the FRS. On the basis of these documents the FRS includes the organization in the Register of the non-commercial organizations. Procedure of registration is set in the order of the FRS № 202 and № 203.

A special licensing fee for SRO registration is not stipulated by the current legislation.

Registration of proceedings

MEDT does not register insolvency proceedings. Statistics on bankruptcy procedures are conducted by the High Arbitration court of the Russian Federation.

The federal law establishes the state duty (fee) which is paid at submission of the application (to commence the bankruptcy procedure) to court. However, a special fee structure for the duty is not stipulated.

As all the fees go directly into the budget no information is available concerning which costs the fees are designed to recover. The registration fee is reconsidered when needed.

The registration fee is set at 2 000 rubles (~77 US dollars). The size of the registration fee does not depend on the type of insolvency procedure. The duty is applied to the state budget and also funds the maintenance of the work of the courts.

Administration of Insolvent Estates

Functions of MEDT are limited to the development of a state policy and legislative regulation of insolvency (bankruptcy).

Russia

When administering insolvency estates, the SRO has the right to:

- represent lawful interests of members as to their relations with federal authorities, state authorities of Russian Federation entities, local self-government bodies;
- notify arbitration courts of the Russian Federation of obtaining the status of self-regulating organizations of Insolvency Practitioner;
- appeal in judicial procedures against the acts and actions of federal authorities, state authorities of Russian Federation entities, local self-government bodies breaking the rights and lawful interests of any of the members or the group of members;
- put claims for protection of rights and lawful interests of the persons participating in the case of a bankruptcy;
- impose upon its members disciplinary responsibility stipulated by constituent and other documents, including expulsion from self-regulating organization;
- petition to arbitration court upon discharge from participation in a case on bankruptcy of the members, whose activity (inactivity) has infringed legislation on insolvency (bankruptcy); and,
- fulfill other powers, as established by this Federal Act.

The SRO is obliged to:

- develop and to establish binding rules for all professional members of Insolvency Practitioner;
- control professional activity of its members in partial observance of the requirements of this Federal Act and the rules, as established by the self-regulating organization for professional activity of Insolvency Practitioner;
- consider complaints made against its members acting as arbitration manager in a case on bankruptcy;
- develop and establish requirements for Russian Federation citizens wishing to enter into a self-regulating organization;
- notify the arbitration court, examining a case on bankruptcy, of the expulsion of its member acting as arbitration manager in this case, within three days of his expulsion, at the latest;
- collect, process and store the information on its members activities, disclosed by them to self-regulating organizations in the form of reports as set out in the procedures and with frequency to be established by the charter and other documents of the self-regulating organization;
- organize and to provide skill training of Russian Federation citizens as an assistant Insolvency Practitioner;
- keep the Register of Insolvency Practitioner which are its members, and to provide interested persons with easy access to the information included in such Register; and
- assure formation of a compensatory fund or the property of mutual insurance society for financial security of responsibility as to compensation for losses caused by its members when acting as Insolvency Practitioners.

Russia

The MEDT does not charge fees to administer insolvent estates. Also, the court does not charge fees during the administration of an insolvent estate.

When it comes to handling insolvent estates which do not generate sufficient funds to meet costs and expenses, uncovered debts can be covered by: 1) the debtor's founders, (participants); 2) the budget; 3) third parties.

Levy

No formal type of levy is charged by MEDT.

Information Products and Services

MEDT does not provide information products and services.

Fees and Revenues for Other Activities or Services

No other fees and revenues are charged.

United Kingdom — England and Wales

General Overview

The Insolvency Service (The Service) is an executive agency of the Department for Enterprise, Business and Regulatory Reform (BERR), formerly the Department of Trade and Industry (DTI). The Insolvency Service operates under a statutory framework — mainly the Insolvency Acts 1986 (IA 86) and 2000, the Company Directors Disqualifications Act 1986 and the Employment Rights Act 1996. As of 01 April 2006 Companies Investigation Branch (CIB) of the BERR transferred to The Service and are based in offices in both London and Manchester.

The Service has 43 official receivers (OR) offices throughout England and Wales, which operate under the powers vested by the Secretary of State for BERR (SoS) and the Courts. The Service administers and investigates the affairs of bankruptcies, of companies and partnerships wound up by the court, and establishes why they became insolvent. The Service also acts as trustee in bankruptcy cases and liquidator in company cases where no private sector insolvency practitioner is appointed.

The Service advises BERR ministers and other government departments and agencies on insolvency, redundancy and other related issues.

BERR ministers determine the policy framework in which The Service operates. However, they are not usually involved in the day-to-day management or in the administration of individual cases, which falls under the courts' jurisdiction. Ministers also set and review the Service's targets, which are announced in Parliament at the beginning of each financial year. The Inspector General and Agency Chief Executive report to BERR ministers on the execution of policy, the Service's progress against targets, and its plans and proposals for future developments and they in turn answer to Parliament on that policy.

The Service is self-funding but also receives funding from the Government for some of the activities that are carried out.

Under the provisions of the Enterprise Act 2002, The Service has a new, modernised financial regime, which has been in effect since 01 April 2004. Complementary to the 2002 Act is The Insolvency Proceedings (Fees) Order 2004. Some of the provisions have been amended by consequent amendments to the 2004 Order, with the latest amendment being The Insolvency Proceedings (Fees) (Amendment) Order 2007.

The activities of The Service which are financed by Governmental resources under the new regime are the Investigation and enforcement activities which are funded through a BERR programme budget. Therefore, funding is agreed as part of the Spending Review process conducted across government. The Service receives an indicative budget allocation covering three years. Budget adjustments are subject to other funding pressures in the BERR and the changing resource requirements of The Service.

United Kingdom- England and Wales

Other activities financed by Governmental resources under the new regime include the Costs for the administration of the Redundancy Payments Scheme which are met from the National Insurance Fund⁶. An annual Service Level Agreement is in place between The Service and HM Revenue and Customs (HMRC) under which funding is agreed. The Service is able to retain any surplus funding but must cover any deficit. Unless additional funding can be secured from HMRC, deficits not covered by surpluses must be met by BERR. Payments made to employees under the Redundancy Payments Scheme are also met by the National Insurance Fund but are included in the BERR's accounts.

Additionally, the Funding from the BERR's administrative budget finances the policy function. For example, the costs of preparation and implementation of the Enterprise Act 2002 were met centrally by the BERR and are not included in The Service's costs.

As for fees charged by the organization, they are payable in respect of both company and individual insolvency proceedings for tasks carried out by the OR or the SoS. The amended Insolvency Proceedings (Fees) Order 2007 contains provisions for the fees for insolvency proceedings carried out by The Service.

The principle aim of the new financial regime is that creditors will pay for the full costs of the OR's administration via a single administration fee funded in part from the petition deposit and a new general SoS's administration fee chargeable only in compulsory insolvencies. This will involve some cross subsidy between case administrations but will eliminate cross function subsidy as the costs of investigations and enforcement activities will be paid for centrally.

A fee income is also generated through the regulation of insolvency practitioners.

Professional Licensing

Those candidates, who have satisfactorily completed the Joint Insolvency Board examinations and have the required amount of experience in insolvency work as prescribed by The Insolvency Practitioners Regulations, are entitled to apply for a license to take appointments in insolvency proceedings. Once appointed, they are known as Insolvency Practitioners (IPs). There are 7 Recognized Professional Bodies (RPBs) authorized to license insolvency practitioners in England and Wales in addition to the Secretary of State.

As for service standard applicable, before issuing a license, the SoS must be satisfied that the candidate is a fit and proper person to hold a license. In addition to the professional qualification and experience requirement, the SoS is obliged to check for any evidence of unworthiness through County Court judgment searches, credit agency searches, Companies House enquiries and a bankruptcy search. Applicants must also undergo continuous professional development and must pay a fee to maintain their license.

⁶ Parliament may authorise the setting-up of statutory funds to finance certain types of services and the National Insurance Fund is one of them. This fund is also used to fund the National Health Service.

United Kingdom- England and Wales

The maintenance fee is determined on a strict cost recovery basis and is not used to cross subsidise other activities. The SoS imposes an annual maintenance fee of £2,500 that is reviewed periodically, generally on an annual basis, and is designed to ensure that costs of licensing and regulation are recovered.

The annual license fee of £2,500 is payable by IPs authorised by the SoS. RPBs also charge their own licensing fees, and are obliged to pay The Service an annual fee equivalent to £200 per IP they authorize.

The fees collected fund the Service's ability to monitor and ensure that the IPs they authorize carry out their work to a high standard. In addition, the Service also uses the fees from the RPBs to regulate their members ensuring high standards are maintained.

Registration of Proceedings

There are 3 main insolvency proceedings registered by the Service: Bankruptcy; Compulsory Company Liquidations; and, Individual Voluntary Arrangements.

In Bankruptcy, bankrupts are registered on the internal computer system after receiving confirmation that the order has been made at Court. The Petitions and Transfers team within the Service are a team dedicated to inputting this information on the internal system. Compulsory company liquidations are registered in the same way. Bankruptcy cases are then automatically placed on the Services electronic Individual Insolvency Register (IIR) which can be accessed on the Service's website.

The Insolvency Practitioner Unit of The Service's Policy section, acting on behalf of the SoS, registers Individual Voluntary Arrangements (IVAs). The Service also registers the names of those who have entered into an IVA together with their supervisors. This information is available on the IIR.

Other company insolvency proceedings are registered at Companies House regulated by the Companies Investigation Branch.

The cost to the SoS of registering and maintaining each IVA is recovered via a registration fee of £10. The fee, which is reviewed frequently, is charged on a strict cost recovery basis and not used to cross subsidize other activities.

For bankrupts, following the Fast Track Voluntary Arrangements (FTVA) are required to pay a registration fee of £15. FTVAs are voluntary arrangements where the OR acts as nominee and supervisor post bankruptcy.

In the case of bankruptcy and compulsory company liquidations, the administration fee is designed to encompass the cost of registration of the proceedings.

Administration of Insolvent Estates

Once a bankruptcy or company liquidation order has been made, the court appoints an OR as receiver and manager or liquidator respectively. The duties of ORs are largely set out in the Insolvency Act 1986. They are salaried individuals that are appointed, removed and act under the general direction of The Service on behalf of the SoS for the BERR and, thus, may have additional functions conferred on him/her by the SoS.

United Kingdom- England and Wales

On appointment the OR becomes, simultaneously, a statutory office holder and a civil servant employed by The Service. An example of the distinction between when the OR acts as a statutory office holder and when he acts as a civil servant is when he sends to a company director or bankrupt a Preliminary Information Questionnaire and an appointment letter to attend for interview. The OR does this as part of his statutory investigatory duty under section 132 (companies) or section 289 (bankruptcies). However, when sending leaflets to aid the recipient (e.g. "What happens when you attend the OR's office" and "A guide to bankruptcy" or a "Guide to directors") the OR is acting as a civil servant.

The OR's primary function is to administer and investigate the affairs of companies and partnerships wound up by the court and of bankrupts, with a view to taking of appropriate and timely action where there are assets or where there is evidence of offences or unfit conduct.

The OR carries out various other duties in liquidations and bankruptcies, including the initial discovery and protection of assets. He will act as liquidator of a company or trustee of a bankrupt's estate if no private sector IP is appointed and as liquidator/trustee ex officio if there is a vacancy in that office. The OR remains under a duty to investigate when a private sector IP has been appointed as liquidator or trustee.

The OR carries out an inspection where he visits one or more premises owned or occupied by an insolvent, or at which they are or have been trading or have their registered office. When an OR becomes liquidator or provisional liquidator of a company, he is required to take into his custody or control all property and things in action to which the company is or appears to be entitled. As receiver and manager of a bankrupt's estate, he has a duty to take such steps as he thinks necessary to protect any property which may be claimed for the estate by the trustee, although he is not required to do anything that involves his incurring expenditure. When the OR is trustee of a bankrupt's estate his function is to get in, realize and distribute the estate.

The fees for the administration of cases have been set so that costs are recovered. As such, on a registration of an Individual Voluntary Arrangements by the SoS the fee is set at £10; the performance by the OR of the functions of nominee is of £300; and, the performance by the OR of the functions of supervisor, a fee calculated as a percentage of any monies realized whilst acting as supervisor at a rate of 15% is charged.

As for fees payable in bankruptcies, the OR's administration fee is £1,715; and, the performance by the SoS of his general duties under the insolvency legislation in relation to the administration of the estate of each bankrupt, there is a fee payable (of a maximum of £100,000) calculated as a percentage of total chargeable receipts relating to the bankruptcy (but ignoring the first £2,000) and that part of the total receipts which exceeds the bankruptcy ceiling) at the rate of 17%.

United Kingdom- England and Wales

Additionally, other fees are payable in Winding Up by the Court. For the performance by the OR of his general duties as OR on the making of a winding up order there is an administration fee payable of £2,090; and, for the performance by the SoS of her general duties under the insolvency legislation in relation to the administration of the affairs of each company which is being wound up by the court, there is a fee payable of a maximum of £100,000 calculated as a percentage of total chargeable receipts relating to the company (but ignoring the first £2,000) at the rate of 17%.

A fee of £50 accompanies each request made by a trustee in bankruptcy or a liquidator in a compulsory or a voluntary winding up for the purchase of any government securities.

These fees are recovered in part from the deposit paid by the debtor or creditor when presenting a petition for bankruptcy or company liquidation. Since 1 April 2007 the deposit levels have been of £335 for Debtor's bankruptcy petition, of £400 for Creditor's bankruptcy petition and, of £670 for Creditor's company petition.

As provided above for each type of insolvency proceeding, the balance of the case administration fee is recovered from the assets realized in a particular case. However, more than 50% of cases have little or no assets. It is a result of this that a second fee, the SoS fee, is also applied to those cases that have assets over £2,000.

In relation to High Court applications, the Supreme Court Fees Order 1999 provides that no fee is payable on a request or on an application to the Court by the OR when applying only in the capacity of OR to the case (and not as liquidator or trustee). This applies in both the High Court and the county court.

The Supreme Court Fees Order 1999, Schedule 1 and the County Court Fees Order 1999, Schedule 1 refers to fees payable in the High Court and county court respectively, fee 2.4 and fee 2.5. As identified in Schedule 1, Fee 2.4 (£60) is charged on an application on notice where no other fee is specified. As for Fee 2.5 (£30) is charged on an application by consent or without notice for a judgment or order where no other fee is specified.

Examples of when the OR may have to pay these fees are in applications under rule 7.20 IR86 for orders enforcing compliance with the Rules. Under section 235 IA86 applications can be made by the official receiver; the administrator, the administrative receiver, the liquidator or the provisional liquidator. If the application is made only as official receiver then in theory no fee is payable. In practice official receivers have been required by the Court to pay the fee on these applications; applications under section 310 IA86 for income payments orders (including variations or discharge of IPO). Applications can only be made by the trustee; applications under section 236 and 366 IA86 for private examinations: Applications can be made by the official receiver, the liquidator or the trustee. Official receivers are advised to apply as official receiver and no fee is payable; and, applications under section 263F IA86 for the revocation of a FTVA. Applications can be made by the official receiver or trustee.

The fees that are charged by the Court vary from £1 to £150 in both the county courts and Supreme Court.

United Kingdom- England and Wales

Further information can be found in The Supreme Court Fees Order, 1995 and The County Court Fees Order, 1995 and The Supreme Court Fees Order, 1999 and the County Court Fees Order, 1999 (Appendix 7).

Each case has an administrative fee charged to it and an SoS fee on cases where there are assets to be realized. These fees are accounted for as a whole, and any shortfall on cases with insufficient funds are covered by cases where there may be a surplus.

Levy

The Service does not charge a levy. However, the SoS in the case of a disqualification of a company director may impose a fine on the delinquent director.

Information Products and Services

The Service provides a “Do It Online” section on its website that enables users to access and search the following registers free of charge (at <http://www.insolvency.gov.uk/doitonline/doitonlinemenu.htm>).

Another service includes if a member of the public requires information or has a general query about insolvency legislation, insolvency procedures including the work of ORs offices, etc., he/she may be able to find the answer by either sending The Service an email (at Insolvency.Enquiryline@insolvency.gsi.gov.uk) or by submitting an online form via a link on ‘Do It Online’.

The Service also has ‘The Insolvency Enquiry Line’ (IEL). This deals with simple technical queries. If an individual requires information, he/she can telephone the IEL between 9am and 5pm Mondays to Fridays (except Public Holidays) on 0845 602 9848. However, The Service and ORs cannot provide legal or financial advice. Where such information is sought, this should be obtained from a Citizens Advice Bureau, a solicitor, a qualified accountant, an authorised IP, a licensed conveyancer or reputable financial adviser or advice centre.

Additionally, the Individual Insolvency Register provides details of bankruptcies that are either current or have ended in the last three months, current individual voluntary arrangements and FTVA's, and current bankruptcy restrictions orders and undertakings.

This service is available Online where the database may be searched free of charge with just the surname (or even part of the surname) of the individual and the search can be of the whole of England and Wales, or the area covered by an individual OR's office. An option to print the results is also available.

United Kingdom- England and Wales

The Individual Insolvency Register is also available by visiting an OR's office. In this case, an individual may visit his/her local OR's office Monday to Friday between 9am and 5pm. Alternatively, he/she can call The Insolvency Service Insolvency Enquiry Line on 0845 602 9848. A report of any records that matches a request that has been searched will be sent to the individual. If there is no match for the request, he/she will receive a report stating "no match found". The Service will normally respond within 7 working days of receipt.

This service is also available by subscription. In this case, Data is retrieved via an XML based data file. Potential subscribers will need to ensure that they have the expertise and the internal systems able to process the XML file. There are terms and conditions for the use of this service.

The Service also provides services in respect to Public Interest Cases. The Public Interest Unit is one of the OR's offices; it is the main office that deals with Provisional Liquidations.

An OR from the Public Interest Unit is usually appointed to be a Provisional Liquidator following an investigation by the Companies Investigation Branch (CIB). CIB investigate complaints made by members of the public about the way a company is trading. If a company subject to a Provisional Liquidation order is later wound-up by the court, then the Public Interest Unit will deal with the case.⁷

The Public Interest Unit (PIU), deals with 'provisional liquidations'. This means a court has given an order for a company to immediately stop trading and close. The Service's role is to make sure any creditors of that company are identified and the company's assets are seized to pay money the company owes to its customers and suppliers because it has been forced to stop trading.

Another service provided is the Disqualified Directors Search, which is an extract of a full register that is maintained by Companies House.

There are also statistics available on the Service's website free of charge (at <http://www.insolvency.gov.uk/otherinformation/statistics/insolv.htm>). The Statistics team of The Service's policy section issues a Quarterly Statistics press release. The Service uses the National Statistics Code of Practice, thus, the statistics team does not have a statutory duty to provide this information.

A Complete bankruptcy application online is also available. This is a secure site to assist customers correctly complete their application on line. A dedicated helpline is available to assist customers using this service 0845 602 9848 or they are able to e-mail their enquiries to: onlineforms@insolvency.gsi.gov.uk. The Online Forms Service Frequently Asked Questions (FAQs) contain information covering commonly asked questions about this service.

Additionally, the Enforcement Hotline enables people who have information about defiant directors and bankrupts to pass it on. The intention is to enforce disqualification and prevent the public from being exposed to more instances of corporate misconduct.

⁷ <http://www.insolvency.gov.uk/compulsoryliquidation/piu/homepagemain.htm>

United Kingdom- England and Wales

The Service also has a database that contains contact details of licensed IPs. However, not all IPs are listed as some have requested not to be included within the database.

A similar service is available which includes a database that contains contact details of all ORs in England and Wales.

Also, individuals can make a complaint about how the case has been administered. In this case, a user of The Service may submit complaints regarding the way his/her case was conducted on The Service's website.

Another service is available to registered IP's (BANCS). BANCS is an online system which holds records of cases being dealt with by IPs.

The Service does not have statutory responsibility when there is a request for information or when a general query on insolvency is raised. The same applies for making a complaint about how the case has been administered, as they are part of the chartermark requirement. However, the Individual Insolvency Register (IIR) is a responsibility as prescribed under the Insolvency Rules 1986.

Moreover, the Service does not have statutory responsibility to provide information products or services such as those related to the Public Interest Cases, Statistics, Complete bankruptcy application online, Enforcement Hotline, the service related to finding an IP, the service related to finding an OR and BANCS.

However, for the Disqualified Directors Search, The Company Director's Disqualification Act 1986 requires a register is maintained. The Registrar of Companies for England and Wales maintains this register. This service is a voluntary one.

For the Public Interest Unit, there is a statutory requirement that provisional liquidators are appointed. The structure of The Service means that provisional liquidators are based in a separate Public Interest Unit.

When it comes to information products and services, many of those provided by The Service are available free of charge. Specifically, services related to a request for information or raise a general query on insolvency service; the Public Interest Cases; the Disqualified Directors Search; Statistics; Complete bankruptcy application online; Enforcement Hotline; finding an IP; finding an OR; making a complaint about how the case has been administered; BANCS; and, the Public Interest Unit are all free of charge.

Also available free of charge is the Individual Insolvency Register (IIR) available online and by contacting the OR's office. However, users who subscribe to receive a regular download or copy of this database has to pay an annual sum of £1,300 for this service. The costs of this service were initially based on a time cost to the Change and Technology Directorate who own the Database, but that cost may have reduced over time as the number of subscribers have increased.

No restrictions apply to clients with respect to redistribution of the information.

United Kingdom — Northern Ireland

United Kingdom — Northern Ireland

General overview

Northern Ireland is a region of the United Kingdom, but has its own separate Insolvency Service.

Insolvency Law and Practice in Northern Ireland is kept in parity with that of the Insolvency Service (England and Wales). Key points concerning the Insolvency Service Northern Ireland are presented in this section. Please refer to the United Kingdom section for a more detailed description of the Insolvency Service.

The Insolvency Service Northern Ireland is a branch of a mainstream government department and is entirely funded by the government out of the Central Exchequer. The fee structure is similar to that in England and Wales and all fee income is currently paid into the government's consolidated fund.

Professional Licensing

An annual fee of £50 per person authorized is charged to professional bodies which are recognized to authorize individuals to act as insolvency practitioners. Insolvency practitioners licensed by the Department itself are charged an annual fee of £1,050.

Registration of Proceedings

In Northern Ireland, the register of insolvency proceedings is kept by the Northern Ireland High Court. The court charges a fee for searches in the register.

Northern Ireland charges a £310 deposit for a bankruptcy petition (debtor) and a £370 deposit for a creditor's petition. The deposit on a petition to wind up a company is £620. These deposits are refundable if sufficient assets exist to cover the fees they are security for.

The Official Receiver's administrative fee is set at £925 in a bankruptcy and £1,495 in the case of the winding up of a company by the High Court. In both cases the Department charges an administration fee of 17% of chargeable receipts.

The fee to register Individual Voluntary Arrangement (IVA) is £35. In the case of IVA's administered by the Official Receiver he charges a nominee fee of £300 and a supervisor fee set at 15% of monies realized.

Other fees include the Official Receiver's fee for distribution which ranges from £27 to £60 per hour, depending on staff grade. Also, a Cheque issue fee of £0.80 and the BACS fee of £0.15 are charged. Additionally, a quarterly banking fee of £15 is charged to each estate.

In cases where there are insufficient assets to meet the fees, the unpaid balance is written off as a notional debt.

United States of America

United States of America

General Overview

The United States bankruptcy courts are part of the United States federal judiciary; a separate, self-governing branch of the United States government. The judicial branch interprets federal laws, resolves constitutional challenges to federal and local laws, and resolves disputes involving federal laws. The United States Bankruptcy Code is a system of federal laws falling under the federal judiciary's jurisdiction.

Under the Constitution, the United States Congress appropriates the judiciary's budget, including the U.S. bankruptcy courts' operating funds. The judiciary prepares a budget proposal and then submits it to Congress through the President. By law, the President must submit the judiciary's budget proposal to Congress without change. The judiciary's budget is about two-tenths of one percent of the entire federal budget.

The Administrative Office of the United States Courts, the judiciary's administrative arm, consults with the individual courts and internal oversight committees then prepares the proposed budget. The proposed budget is based largely on staffing and resources formulas based on the courts' projected workloads. It incorporates specific allocations for support staff and administrative services for each court. The proposed budget also includes funding requests for new or expanded programs.

The Congress's appropriation committees conduct hearings on the judiciary's proposed budget at which judges and the Director of the Administrative Office present and justify the judiciary's projected expenditures. Once Congress enacts the judiciary's budget, the Judicial Conference, the judiciary's governing body, approves plans to spend the money; and the Administrative Office distributes funds directly to each court, operating unit, and program.

About 60 percent of the judiciary's budget is for judges and court personnel salaries. Another 20% of the budget is used to pay the executive branch for rent on court buildings and facilities. The remaining 20% of the budget includes such expenses as computers, travel, supplies, security for judges, compensation for defense attorneys, and fees for jurors.

The United States Bankruptcy Courts charge four kinds of fees in insolvency proceedings. First, there are filing fees to begin the proceeding and fees to change the character of the proceeding. Second, there are filing fees to begin a contested matter and to file an appeal. Third, there are administrative fees for such things as copies and certifications. Finally, there is a charge on disbursements in both liquidations and reorganizations to pay administrative expenses.

Professional Licensing

The U.S. system does not license private sector professionals to administer insolvent estates. The bankruptcy administrators, however, recommend independent professionals to the court to serve as trustees in consumer cases.

United States of America

Registration of Proceedings

The United States' bankruptcy system is a formal federal court proceeding; consequently, it requires no registration procedure. Nevertheless, each court maintains a publicly available docket that serves as a record of the insolvency proceeding.

Administration of Insolvent Estates

The Bankruptcy Courts have specific roles in the administration of insolvent estates. The bankruptcy judge is the court official with decision-making power over bankruptcy cases in the United States. The bankruptcy judge may decide any matter connected with a bankruptcy case, such as eligibility to file or whether a debtor should receive a discharge. The bankruptcy courts generally have their own clerk's offices to handle administrative matters.

Much of the bankruptcy process is administrative and conducted away from the courthouse. In most cases this administrative process is conducted by a trustee who is appointed to oversee the case. Consequently, a debtor's involvement with the bankruptcy judge is limited. A typical chapter 7 (liquidating) debtor will not appear in court and will not see the bankruptcy judge unless a party-in-interest raises an objection. A chapter 13 debtor (a reorganizing wage earner) may only appear before the bankruptcy judge at a hearing confirming a proposed reorganization plan. Usually, the only formal proceeding at which a debtor must appear is the creditors' meeting, so creditors can question the debtor concerning debts and property. The creditors meeting is usually held at the offices of the U.S. trustee or bankruptcy administrator early in the bankruptcy proceeding.

There are also roles attached to the U.S. Judiciary's Bankruptcy Administrator Program. United States federal law authorizes an estate administration oversight program within the federal judiciary. The resulting Bankruptcy Administrator Program operates in the six judicial districts for the States of Alabama and North Carolina under Judicial Conference supervision. It is managed through regulations promulgated by the Judicial Conference and guidelines issued by the Director of the Administrative Office. Bankruptcy cases in the remaining federal jurisdictions are managed by the United States Trustee Program, a division of the United States Department of Justice.

Bankruptcy administrators perform estate administration oversight and trustee supervision duties. They establish, maintain, and supervise a panel of private trustees in bankruptcy cases under chapter 7 (the liquidation chapter) of the Bankruptcy Code; and supervise the administration of estates and trustees in cases under all other chapters (debt restructuring or reorganization chapters) of the United States Bankruptcy Code. They have the right to raise issues, appear before the bankruptcy court, and be heard on any issue in any case under the Bankruptcy Code.

There are no formal service standards in place for the administration of insolvent estates.

United States of America

The filing fees to begin the administration proceeding are created and modified by statute. The other fees are fixed by the U.S. judiciary. To fix those fees, court administrative personnel estimate the cost of the resources the court requires to perform the service requested and fix a fee accordingly. This fee is then reviewed periodically.

The fees are designed to recover the cost of the court's resources used to administer the estate and to resolve disputes. There is a formal review of the fees every three years, but the fees are reviewed generally each year.

The basic charge is a flat fee the amount of which depends upon the kind of proceeding requested. Charges upon disbursements are set on a sliding scale. The judiciary keeps some of the revenues, which become part of the budget approved by Congress, and shares the remaining revenues with the United States trustee system, private trustees, and the general treasury.

As noted above, the United States Bankruptcy Courts charge four kinds of fees in insolvency proceedings. First, there are filing fees to begin the administrative proceeding and to change the character of the proceeding. Second, there are filing fees to begin the contested matter and to file and appeal. Third, there are administrative fees for such things as copies and for certifying copies of court records. Finally, there is a charge on disbursements in both liquidations and reorganizations to pay administrative expenses.

Filing fees to begin the administrative proceeding and to change the character of the proceeding, are two separate fees and are due upon filing under all chapters of the U.S. Bankruptcy Code. A third fee is due upon filing under chapter 7. All chapters have an initial filing fee and an administrative fee due upon filing. Debtors filing under chapter 7 are responsible for a chapter 7 trustee surcharge in addition to the filing fee and the administrative fee (Appendix 8).

Under the U.S. system husbands and wives may file together. When they request the court to separate, or split, their cases, the clerk must collect a fee (Fees for Splitting Cases) usually equal to the filing fee for the chapter under which the joint case is pending.

When the court converts a case from one kind of bankruptcy proceeding to another, the clerk must collect a fee (Fees for Converting Cases). The amount of the fee depends upon the chapter to which the case is converted.

When a debtor asks the court to reopen a case, the clerk must collect a fee (Fees for Reopening Cases) usually equal to the current filing fee for the chapter under which the case was closed. The Judicial Conference has provided exceptions to the fee, and the court may either waive or defer the reopening fee for good cause.

There are also filing fees to begin a contested matter and to file an appeal. The Fees for Miscellaneous Contested Proceedings, which are minor disputes, are currently set at US\$150. For major disputes affecting significant legal rights, Fees for Filing Adversary Proceedings are set at US\$250.

The clerk must collect a notice of appeal fee (Fees for Filing Appeals) of US\$5.00 and a docketing fee of US\$250 for the first level of appeal. Also, the clerk must collect an additional US\$450 if a party chooses to pursue a second level of appeal.

United States of America

Other Administrative fees also apply under the system. There are miscellaneous administrative fees which include fees for copying, certifications, reproducing audio recordings, amendments to schedules, record searches, indexing papers, microfilm, retrieving documents from offsite storage, returned checks, printing local rules, handling the registry of funds, and electronic access.

The judiciary, through a contractor, charges Electronic Public Access Fees of 60 cents per minute for electronic access to the court's data via dial up service; eight cents per page for public users obtaining information through the federal judiciary Internet site, with the total for any document (excluding transcripts of court proceedings) not to exceed the fees for thirty pages; and US\$26 for an electronic records search. The clerk must charge ten cents per page for printing copies of any document accessed electronically at a public terminal in the courthouse.

The U.S. system imposes quarterly fees on all open chapter 11 cases (complex reorganizations). Quarterly chapter 11 fees are payable on the last day of the month immediately following the end of the calendar quarter and every chapter 11 reorganization plan must provide for payment of unpaid fees on or before its effective date. The debtor must pay quarterly fees beginning on the date it files the chapter 11 petition. The debtor's obligation to pay quarterly fees ends when the case is no longer pending under chapter 11 — when the court closes the case, converts it to another chapter, or dismisses it. Those fees are based on quarterly disbursements (Appendix 9).

Additionally, other Charges on Disbursements apply in a case under chapter 7 (liquidation) or 11 (complex business reorganizations), the court may compensate the trustee reasonably for services rendered not to exceed 25 percent on the first US\$5,000 or less, 10 percent on any amount in excess of US\$5,000 but not in excess of US\$50,000, 5 percent on any amount in excess of US\$50,000 but not in excess of US\$1,000,000, and reasonable compensation not to exceed 3 percent of such moneys in excess of US\$1,000,000, upon all moneys disbursed or turned over in the case by the trustee to parties in interest, excluding the debtor, but including holders of secured claims.

In a case under chapter 12 (a reorganizing family farmer) or 13 (a reorganizing wage earner), the court may compensate the trustee reasonably for services rendered not to exceed five percent upon all payments under the reorganization plan.

Some exceptions to the fees may apply. The Judicial Conference, the U.S. judiciary's governing body, has authorized some exceptions to the fees due upon filing adversary proceedings and to the fees due for some of the services listed in the Bankruptcy Court Miscellaneous Fee Schedule. The Conference exempted bankruptcy administrators from most fees and exempted the United States trustee from some fees. Any executive branch agency is exempt.

United States of America

Although trustees are subject to all fees, such as for photocopying, searches, and certifications, limited exemptions or waivers are available for some of the fees. The court may defer or waive some fees for good cause and may grant an exemption to the electronic access fee if necessary to avoid unreasonable burdens and to promote public access.

The court may waive the filing fee for individual chapter 7 debtors whose income is less than 150% of the official poverty line as defined by the United States Office of Management and Budget. If it waives the original filing fee, the court may waive all the other fees for a chapter 7 individual debtor.

The costs of handling insolvent estates that do not generate sufficient funds to meet costs and expenses are paid from the court's appropriation or borne by private trustees, depending on the nature of the costs.

Levy

The United States does not charge a levy.

Information Products and Services

The United States bankruptcy court's records are open to the public, but, currently, it is under no obligation to affirmatively publish insolvency information. However, by July 1, 2008, the bankruptcy courts will collect statistics regarding consumer debtors seeking bankruptcy relief. The Director of the Administrative Offices will make the statistics available to the public and will report them annually, with an analysis, to Congress. The statistics will be itemized by kind of bankruptcy proceeding and be presented both in the aggregate and for each judicial district. They will include the debtors' total assets and total liabilities by category; the debtors' reported income and expenses; the aggregate amount of debt discharged; and the average time cases remained open.

The Director will report information concerning reaffirmation agreements, property valuations, the number of cases dismissed, the number of cases in which debtors completed their reorganization or repayment plans, and the number of debtors filing another insolvency proceeding within six years of the first one. Finally, the Director will report the number of cases in which attorneys were sanctioned for misconduct. The United States has statutory responsibility to provide this information. It will also be provided free of charge and no restrictions will apply with respect to redistributing the information.

Fees or Revenues for Other Activities or Services

There are no other fees or revenues collected from other activities or services.

APPENDICES

Appendix A — Questionnaire

The International Association of Insolvency Regulators (IAIR) agreed at its 2006 annual meeting in Mexico City, Mexico to commission a report on revenues and user fees. To this end, the OSB would appreciate your participation in completing this questionnaire.

General Overview

1. Please describe briefly the legal status of your organization, and its relationship to the government.
2. Please provide a general overview of your organization's funding arrangements. For example, does your organization receive funding from the Government for all or part of your activities? How is this level of funding determined? Which of your activities are funded in this manner?
3. Please provide a general overview of the fees or levy your organization charges for activities or services (you will have an opportunity to provide more specific details on retaining different types of fees and levy below). Do you retain all or part of these revenues?

Professional Licensing

4. If your organization licenses private sector professionals to carry on the administration of insolvency estates please provide the following information:
 - 4a) Please describe the licensing process.
 - 4b) Please describe the service standards for the licensing process, if applicable.
 - 4c) If your organization charges a licensing fee please provide the following information:
 - i) How was the licensing fee structure determined?
 - ii) What costs are the licensing fees designed to recover?
 - iii) How frequently is the licensing fee reviewed?
 - iv) How much is the licensing fee?
 - v) Does your organization retain these revenues? If so, are these revenues used to fund specific activities?

Appendix A

Registration of Proceedings

5. If your organization registers insolvency proceedings please provide the following information:
 - 5a) Please describe the registration process.
 - 5b) Please describe the service standards for registering insolvency proceedings, if applicable.
 - 5c) If your organization charges a fee to register an insolvency proceeding please provide the following information:
 - i) How was the registration fee structure determined?
 - ii) What costs are the registration fees designed to recover?
 - iii) How frequently is the registration fee reviewed?
 - iv) How much is the registration fee for each type of insolvency proceeding?
 - v) Does your organization retain these revenues? If so, are these revenues used to fund specific activities?

Administration of Insolvent Estates

6. If your organization has responsibility for the administration of insolvent estates including the liquidation of assets:
 - 6a) Please describe the role your organization plays in the administration of insolvent estates.
 - 6b) Please describe the service standards for the administration of insolvent estates, if applicable.
 - 6c) If a fee is charged by your organization to administer insolvent estates please provide the following information:
 - i) How was the administration fee structure determined?
 - ii) What costs are the administration fees designed to recover?
 - iii) How frequently is the administration fee reviewed?
 - iv) How much is the administration fee for each type of insolvent estate? Is the fee set on an hourly basis, as a percentage of monies realized in the estate, a fixed amount, a combination of these, or other — please describe.
 - v) Does your organization retain these revenues? If so, are these revenues used to fund specific activities?
 - 6d) What fees does the court charge your organization during the administration of an insolvent estate?
 - 6e) What fees does the court charge other organizations or persons during the administration of an insolvent estate?
 - 6f) What funding arrangements do you have for handling insolvent estates that do not generate sufficient funds to meet costs and expenses?

Appendix A

Levy

7. If your organization charges a levy please provide the following information:
 - 7a) Please describe the process for collecting the levy.
 - 7b) Please describe the service standards for dealing with the levy, if applicable.
 - 7c) How was the levy structure determined?
 - 7d) What costs are the levies designed to recover?
 - 7e) How frequently is the levy reviewed?
 - 7f) How much is the levy?
 - 7g) Does your organization retain these revenues? If so, are these revenues used to fund specific activities?

Information Products and Services

If you provide insolvency information to the public (such as a registry of insolvencies, a insolvency statistical report, or a list of insolvent businesses) please answer the following questions for each type of information product or service.

8. Please provide a short description of the information product or service.
9. Do you have a statutory responsibility to provide this information product or service?
10. Please describe the service standards for providing the information product or service, if applicable.
11. Is the information product or service provided free of charge or for a fee? If fees are charged, please answer the following questions:
 - 11a) How was the fee structure determined? Did it consider the cost of producing and delivering the information product, the market value of the information product or some other basis (please describe)?
 - 11b) How frequently is the fee reviewed?
 - 11c) How much is the fee? Is the fee always charged? If not, what are the principles used to determine when the fee should be charged?
 - 11d) Does your organization retain these revenues? If so, are these revenues used to fund specific activities?
12. If you impose restrictions on your clients with respect to the redistribution of the information please describe these restrictions and how they are applied.

Appendix A

Fees or Revenues for Other Activities or Services

If your organization receives fees or revenues for activities or services that were not listed above, please answer the following questions for each type of fee or revenue.

13. Please provide a short description of the activity or service that generates the fee or revenue, and answer the following questions.
 - 13a) Please describe the service standards for the activity or service, if applicable.
 - 13b) How was the fee or revenue structure determined?
 - 13c) What costs are the fees or revenues designed to recover?
 - 13d) How often is the fee or revenue reviewed?
 - 13e) How much is the fee or revenue for this activity or service?
 - 13f) Does your organization retain these revenues? If so, are these revenues used to fund specific activities?

Thank you for your participation. The information you provide is greatly appreciated. Please submit your completed questionnaire to Janice Jeffs, National Manager, Outreach and Business Intelligence, by email, fax or mail as stated below:

Email: jeffs.janice@ic.gc.ca

Fax: (613) 941-2862

Office of the Superintendent of Bankruptcy Canada
c/o Janice Jeffs
155 Queen Street, 4th Floor
Ottawa, Ontario
K1A 0H5

Appendix 1

Appendix 1 — Cost of Activities and Applicable fees and charges (Australia)

ATTACHMENT 1 — COST OF ACTIVITIES AND APPLICABLE FEES AND CHARGES — CRIS Number 4					
Ref. No.	ACTIVITIES	Fees <i>(Fees marked with ‘*’ are GST inclusive. All other fees/charges are not subject to GST)</i>	Expected volumes	Revenue (\$M)	Funding source (\$M)
	Policy & Legislative Reform			1.40	
1.01	Policy, legislation reform and support to ministers	<i>Government funded</i>	N/a	0.80	Govt.
1.02	Funding of trustees — Section 305	<i>Government funded</i>	60	0.60	Govt.
	Bankruptcy Registry & Compliance			16.37	
2.01	Processing Debtor Petitions and DA proposals	<i>Government funded</i>	32,000	7.39	Govt.
2.02	Processing Personal Insolvency Agreements	\$200 per proposal	500	0.09	Fee
2.03	Issue of Bankruptcy Notices	\$400 per notice (66% or \$2.56M of this fee revenue to supplement the levy)	9600	3.84	Fee
2.04	Extension of Bankruptcy Notices	\$100 per extension	600	0.06	Fee
2.05	Issue of Official Receiver Notices	\$400+ \$200/hr if > 2hrs	800	0.30	Fee
2.06	NPII searches at ITSA offices	\$22 per search	10,500	0.23	Fee
2.07	NPII searches — broker service	\$14 per search	256,400	3.59	Fee
2.08	Personal Insolvency Reporting Service	\$1.62 per record + maintenance charges	182,100	0.30	Fee
2.09	Inspection of public documents	\$20 per inspection + \$2 for each page copied	500	0.01	Fee
2.10	Taxation of trustee remuneration & costs	\$200 per hour	15	0.06	Fee
	Bankruptcy Regulation			3.35	
3.01	Regulation of Trustees — information & education	<i>Levy funded</i>	N/a	0.22	Levy
3.02	Regulation of Trustees — monitoring, complaints etc	<i>Levy funded</i>	N/a	2.48	Levy
3.03	Regulation of Trustees — interviewing applicants	\$2000 per application	8	0.02	Fee
3.04	Regulation of Trustees — registration	\$1200 per registration	7	0.01	Fee
3.05	Regulation of Trustees — renewal of registrations	\$1200 every 3 yrs	70	0.08	Fee
3.06	Regulation of Debt Agreement Administrators (DAA's) — interviewing applicants	\$2000 per application	5	0.01	Fee
3.07	Regulation of DAA's — registration	\$1200 per registration	4	0.01	Fee

Appendix 1

ATTACHMENT 1 — COST OF ACTIVITIES AND APPLICABLE FEES AND CHARGES — CRIS Number 4					
Ref. No.	ACTIVITIES	Fees <i>(Fees marked with ‘*’ are GST inclusive. All other fees/charges are not subject to GST)</i>	Expected volumes	Revenue (\$M)	Funding source (\$M)
3.08	Regulation of DAA’s — renewal of registrations	\$1200 every 3 yrs	18	0.02	Fee
3.09	Inspector General reviews	<i>Levy funded</i>	80	0.50	Levy
	Estate Administration			15.78	
4.01	Administration of fee paying bankruptcies	\$3000 + 20% of realisations *	2300	9.48	Fee
4.02	Administration of non fee paying bankruptcies	Total Cost \$5.85M, funded via levy \$3.29M, fee from Bankruptcy Notices \$2.56M	2600	3.35	Levy
4.03	Administration of s73 compositions & PIAs	20% of proposal amount *	25	0.02	Fee
4.04	Administration of OT administered DAs	20% of proposal amount *	500	0.35	Fee
4.05	Administration of special estates (eg Child Support)	\$200 per hour *	15	0.01	Fee
4.06	Administration of s188 Authorities & s50 orders	\$200 per hour *	10	0.01	Fee
	Bankruptcy Fraud Investigation			2.01	
5.01	Investigation of bankruptcy offences	<i>Levy funded</i>	890	2.01	Levy
	Proceeds of Crime			1.73	
6.01	Proceeds of crime — matters which realise assets	\$200 per hour *	130	0.20	Fee
6.02	Proceeds of crime — matters with no assets	Government funded	N/a	1.53	Govt.
	LEVIES & CHARGES — Summary of levies itemised above			11.12	
7.01	Realisations Charge	3.5% of realisations in bankruptcies and PIAs	N/a	6.46	
7.02	Interest Charge	All interest (net of bank charges) on funds held in trust	N/a	2.10	
		Total Fee funded services		18.70	
		Total Levy funded services		8.56	
		Total Government funded services		10.82	
		TOTAL		38.08	

Appendix 2

Appendix 2 — ORO Companies (Fees and Percentages) Order Chapter 32 Fees and Charges in Compulsory Winding-up of Companies (Hong Kong)

Official Receiver's Office Companies (Fees and Percentages) Order Chapter 32 Fees and Charges in Compulsory Winding-up of Companies			
No.	Relevant Ordinance Reference	Description of fee item	Current Rate
(1)	Schedule 2 Item 2	On a proof of debt above \$250 (other than a proof for workmen's wages). This fee includes administering oath and filing. No fee is payable on a proof for \$250 or under	\$40
(2)	Schedule 3 Table A Item 1A	On an inspection of a copy of the liquidator's accounts filed under section 203(4) or (6)	\$12
(3)	Schedule 3 Table A Item 3	On an application by a committee of inspection to the Official Receiver for a special bank account under Section 202	\$390
(4)	Schedule 3 Table A Item 4	On an order by the Official Receiver for a special bank account	\$390
(5)	Schedule 3 Table A Item 4A	On an application by a liquidator to the Official Receiver acting as a committee of inspection	\$390
(6)	Schedule 3 Table A Item 5(a)	On an application to the Official Receiver under Section 285 for payment of money out of the Companies Liquidation Account	\$60
(7)	Schedule 3 Table A Item 5(b)	After 6 months from the date of issue, for the re-issue of a lapsed cheque or money order in respect of moneys standing to credit of that account	\$60
(8)	Schedule 3 Table A Item 6(a)	On every payment under Section 285 of money out of the Companies Liquidation Account where the money consists of unclaimed dividends	\$50 on every \$1,000 or fraction of \$1,000 of dividend paid out
(9)	Schedule 3 Table A Item 6(a)	On every payment under Section 285 of money out of the Companies Liquidation Account, where the money consists of undistributed funds or balances	\$50 on every \$1,000 or fraction of \$1,000 of the amount paid out
(10)	Schedule 3 Table A Item 6(b)	Total fee taken under this item in respect of undistributed funds or balances shall not exceed \$45,000 in each liquidation	See description
(11)	Schedule 3 Table A Item 7	For insertion in the Gazette a notice relating to a company which is being wound up by the court	\$355
(12)	Schedule 3 Table A Item 8	On an application by a member of the public to the Official Receiver for a search on whether a winding-up petition has been presented against a company	\$85

Appendix 2

Official Receiver's Office Companies (Fees and Percentages) Order Chapter 32 Fees and Charges in Compulsory Winding-up of Companies			
No.	Relevant Ordinance Reference	Description of fee item	Current Rate
(13)	Schedule 3 Table B Item I(a)	On the aggregate amount of assets realized and brought to credit by a liquidator (including the Official Receiver when he is acting as liquidator), after deducting any sums paid to secured creditors, other than holders of floating charges, in respect of their securities and any sums spent out of money received in carrying on the business of the company - On the first \$500,000 or fraction thereof	\$100 on every \$1,000 or fraction thereof
(14)	Schedule 3 Table B Item I(b)	On the next \$500,000 or fraction thereof	\$75 on every \$1,000 or fraction thereof
(15)	Schedule 3 Table B Item I(c)	On the next \$4,000,000 or fraction thereof	\$65 on every \$1,000 or fraction thereof
(16)	Schedule 3 Table B Item I(d)	On the next \$5,000,000 or fraction thereof	\$37.5 on every \$1,000 or fraction thereof
(17)	Schedule 3 Table B Item I(e)	On the next \$40,000,000 or fraction thereof	\$20 on every \$1,000 or fraction thereof
(18)	Schedule 3 Table B Item I(f)	On all further amounts	\$10 on every \$1,000 or fraction thereof
(19)	Schedule 3 Table B Item II(a)	When the Official Receiver acts as provisional liquidator only - Where no winding-up order is made upon the petition, or where a winding-up order is rescinded, or all further proceedings are stayed prior to the summoning of the statutory meetings of creditors and contributories	Such amount as the court, on the application of the Official Receiver, may consider reasonable to be paid by the petitioner, or by the company, as the court may direct, in respect of the services of the Official Receiver as provisional liquidator
(20)	Schedule 3 Table B Item II(b)	Where a winding-up order is made but the Official Receiver is not continued as liquidator after the statutory meetings of creditors and contributories	Such amount as the court, on the application of the Official Receiver, may consider reasonable to be paid by the petitioner, or by the company, as the court may direct, in respect of the services of the Official Receiver as provisional liquidator

Appendix 2

Official Receiver's Office Companies (Fees and Percentages) Order Chapter 32 Fees and Charges in Compulsory Winding-up of Companies			
No.	Relevant Ordinance Reference	Description of fee item	Current Rate
(21)	Schedule 3 Table B Item III	Where the Official Receiver acts as liquidator of the company and a special manager is appointed (to include the Official Receiver's services as provisional liquidator)	Such amount as the court, on the application of the Official Receiver, may consider reasonable
(22)	Schedule 3 Table B Item IV(1)	In all other cases where the Official Receiver acts as liquidator of the company (to include his services as provisional liquidator) - In respect of every 10 members, creditors and debtors, and every fraction of 10 (This fee is to include cost of official stationery, printing, books, forms and postages in Hong Kong)	\$670
(23)	Schedule 3 Table B Item IV(2)	Upon the total assets, including the produce of calls on contributories, realized or brought to credit by the Official Receiver, after deducting sums on which fees are chargeable under Schedule 3 Table B Item V, and the amount spent out of the money received in carrying on the business of the company	10% on total assets realized/brought to credit
(24)	Schedule 3 Table B Item IV(3)	On the amount distributed in dividend or paid to contributories, preferential creditors, and debenture holders by the Official Receiver	5%
(25)	Schedule 3 Table B Item V	Where the Official Receiver collects, calls or realizes property for debenture holders, the same fees under Schedule 3 Table B Item IV(3) to be paid out of the proceeds of such calls or property	5% on the amount distributed to debenture holders
(26)	Schedule 3 Table B Item V	Where the Official Receiver collects, calls or realizes property for debenture holders, the same fee as under Schedule 3 Table B Item IV(2) to be paid out of the proceeds of such calls or property	10% on proceeds of such calls or property
(27)	Schedule 3 Table B Item VI	Where the Official Receiver realizes property for secured creditors other than debenture holders, the same fees under Schedule 3 Table B Item IV(2), to be paid out of the proceeds of such property	10% on proceeds of such property
(28)	Schedule 3 Table B Item VII	Where the Official Receiver performs any special duties not provided for under the other paragraphs of the foregoing tables of the Companies (Fees and Percentages) Order	Such amount as the court, on the application of the Official Receiver, may consider reasonable
(29)	Schedule 3 Table B Item VIII	Travelling, keeping possession, law costs, and other reasonable expenses of the Official Receiver	The amount disbursed
(30)	Schedule 3 Table B Item IX	Notwithstanding the fees and percentages prescribed in Item I, Item III to VII of Schedule 3 Table B, where the Official Receiver acts as liquidator of the company	The total fees under those items shall not be less than \$12,150.
(31)	Companies (Winding-up) Rules 22A(1)	Before presenting a petition the petitioner shall deposit with the Official Receiver the sum of \$12,150 for the purpose of covering the fees and expenses to be incurred by the Official Receiver, and no petition shall be received unless the receipt of the Official Receiver for the deposit is produced to the Registrar.	See description

Appendix 2

Official Receiver's Office Companies (Fees and Percentages) Order Chapter 32 Fees and Charges in Compulsory Winding-up of Companies			
No.	Relevant Ordinance Reference	Description of fee item	Current Rate
(32)	Decision of Court	Costs awarded by the Court to the Official Receiver in respect of compulsory winding up cases	Such amount as awarded by court
(33)	Companies Ordinance S.294(3)	Interest derived from investment of the surplus funds under S.294 from winding-up cases	Total bank interest received
(34)	Companies Ordinance S.295(4)&(5)	Interest derived from investment of the surplus funds under S.295 from winding-up cases	1.5% p.a. on money invested
(35)	Rule 117 of Companies (Winding-up) Rules	The costs of summoning a meeting of creditors or contributories at the instance of any person other than the Official Receiver or liquidator, including all disbursements for stationery, printing and postage within Hong Kong.	\$1,560 for each meeting plus hire of room outside the Official Receiver's Office

Appendix 3

Appendix 3 — ORO Bankruptcy (Fees and Percentages) Order Chapter 6 Fees and Charges in Bankruptcy (Hong Kong)

Official Receiver's Office Bankruptcy (Fees and Percentages) Order Chapter 6 Fees and Charges in Bankruptcy			
No.	Relevant Ordinance Reference	Description of fee item	Current Rate
(1)	Table A Item 4	Proof of debt above \$250 including filing, other than a proof for workmen's wages	\$40
(2)	Table A Item 10	Application to the Official Receiver for payment of money out of the Bankruptcy Estates Account	\$85
(3)	Table A Item 11(a)(i)	On every payment of money out of the Bankruptcy Estates Account, where the money consists of unclaimed dividends, on each dividend paid out	\$50 on every \$1,000 or fraction of \$1,000
(4)	Table A Item 11(a)(ii)	On every payment of money out of the Bankruptcy Estates Account, where the money consists of undistributed funds or balances, on the amount paid out	\$50 on every \$1,000 or fraction of \$1,000
(5)	Table A Item 11(b)	The total fees taken under No. (4) shall not exceed \$45,000 in each bankruptcy.	Total fee taken under No. (4) shall not exceed \$45,000 in each bankruptcy.
(6)	Table A Item 16	Application by a member of the public to the Official Receiver for a search on whether a bankruptcy petition has been presented against a person or firm	\$85
(7)	Table A Item 17	Application by a member of the public to the Official Receiver for issue of a nonbankruptcy certificate for a person	\$205
(8)	Table A Item 18	For insertion in the gazette of a notice relating to bankruptcy	\$355
(9)	Table B Item 1	On payments made by the Official Receiver into the Official Receiver in Bankruptcy Account, whether acting as interim receiver, receiver or trustee to administer a debtor's property, and on payments made by the Official Receiver into any bank account opened by him in his capacity as nominee under a voluntary arrangement, after deducting any sums paid to secured creditors in respect of their securities, and not being monies received and spent in carrying on the business of a debtor or bankrupt	10%
(10)	Table B Item 2(a)	On the amount distributed to creditors by the Official Receiver when acting as nominee under a voluntary arrangement	5%

Appendix 3

Official Receiver's Office Bankruptcy (Fees and Percentages) Order Chapter 6 Fees and Charges in Bankruptcy			
No.	Relevant Ordinance Reference	Description of fee item	Current Rate
(11)	Table B Item 2(b)	For the work done by the Official Receiver in connection with an approved voluntary arrangement to which the Official Receiver was not appointed to at as nominee by the creditors at the meeting	A fee of such amount as the appointed nominee and the Official Receiver may agree or as the court may approve
(12)	Table B Item 3	On the amount paid to preferential creditor or distributed in dividend by the Official Receiver when acting otherwise than as nominee under an approved voluntary arrangement	5%
(13)	Table B Item 4	For the Official Receiver acting as interim receiver of the property of a debtor under section 13, in addition to the percentage chargeable on realizations, on every order	\$1,100
(14)	Table B Item 4	In addition, where the order is in force for a longer period than 14 days, for every 7 days after the first 14, and for every fraction of 7 days	\$1,100
(15)	Table B Item 5(a)	For all official stationery, printing and postage within Hong Kong; and to include notices to creditors of meetings and sittings of the court and room hire for a number of creditors and bankrupts not exceeding 10	\$670
(16)	Table B Item 5(b)	Thereafter for every 10 additional creditors and bankrupts or part thereof This fee does not include the charge which may be made by the Official Receiver on calling a meeting at the request of creditors, for which provision is made in No. (17)	\$670
(17)	Table B Item 6	Where the Official Receiver calls a meeting at the request of the creditors, the costs of summoning the meeting, including all disbursements for stationery, printing and postage within Hong Kong	\$1,560 Any charge for hiring a room outside the Official Receiver's Office by reason of the large number of creditors shall be additional
(18)	Table B Item 7	For the Official Receiver supervising a special manager or the carrying on of a bankrupt's business	Such amount as the Court, on application of the Official Receiver may consider reasonable
(19)	Table B Item 8	Travelling, keeping possession and other reasonable expenses of Official Receiver	The amount disbursed

Appendix 3

Official Receiver's Office Bankruptcy (Fees and Percentages) Order Chapter 6 Fees and Charges in Bankruptcy			
No.	Relevant Ordinance Reference	Description of fee item	Current Rate
(20)	Table B Item 9(a)(b)(i)	On the aggregate amount of the assets realized and brought to credit there shall be paid - (a) in respect of estates in which the Official Receiver acts as trustee, when he accounts to the court under section 78(3); (b) in respect of estates in which the Official Receiver is not acting as trustee, when the trustee sends his accounts to the Official Receiver under section 93(1). - On the first \$500,000 or fraction thereof	\$100 on every \$1,000 or fraction thereof
(21)	Table B Item 9(a)(b)(ii)	On the next \$500,000 or fraction thereof	\$75 on every \$1,000 or fraction thereof
(22)	Table B Item 9(a)(b)(iii)	On the next \$4,000,000 or fraction thereof	\$65 on every \$1,000 or fraction thereof
(23)	Table B Item 9(a)(b)(iv)	On the next \$5,000,000 or fraction thereof	\$37.5 on every \$1,000 or fraction thereof
(24)	Table B Item 9(a)(b)(v)	On the next \$40,000,000 or fraction thereof	\$20 on every \$1,000 or fraction thereof
(25)	Table B Item 9(a)(b)(vi)	On all further amounts	\$10 on every \$1,000 or fraction thereof
(26)	Table B Item 10	Where the Official Receiver performs any special duties not provided for under the other paragraphs of the table in the Bankruptcy (Fees and Percentages) Order	Such amount as the Court, on the application of the Official Receiver may consider reasonable
(27)	Table B Item 11	Notwithstanding the fees and charges prescribed in the foregoing paragraphs, where the Official Receiver acts as trustee to administer a bankrupt property	The total fees and charges shall not be less than \$12,150.
(28)	Bankruptcy Rules 52A	Unless the applicant is also the nominee, where an application is made for an interim order under section 20A of the Ordinance, the applicant or some other person on his behalf shall, at the time of making the application, deposit with the nominee the sum of \$12,150, and such further sum (if any) as the applicant and nominee may agree to or as the court may from time to time direct, to cover the fees, expenses and remuneration to be incurred by the nominee in connection with the work done by him in respect of the voluntary arrangement	See description

Appendix 3

Official Receiver's Office Bankruptcy (Fees and Percentages) Order Chapter 6 Fees and Charges in Bankruptcy			
No.	Relevant Ordinance Reference	Description of fee item	Current Rate
(29)	Bankruptcy Rules 52(1)	Upon the presentation of a petition by the debtor or by a creditor, the petitioner shall deposit with the Official Receiver the sum of \$8,650 or \$12,150 respectively, and such further sum (if any) as the court may from time to time direct, to cover the fees and expenses to be incurred by the Official Receiver, and no petition shall be received unless the receipt of the Official Receiver for the deposit payable on the presentation of the petition is produced to the Registrar.	(i) Deposit in relation to a petition presented by the debtor - \$8,650 (ii) Deposit in relation to a petition by creditors - \$12,150
(30)	Decision of Court	Costs awarded by the Court to the Official Receiver in respect of bankruptcy cases	Such amount as may be awarded by Court
(31)	Bankruptcy Ordinance S.128(4)	After any money has remained unclaimed in the Bankruptcy Estates Account over 5 years the Official Receiver may transfer such money to the general revenue of Hong Kong	Such amount as may be available
(32)	Bankruptcy Ordinance S.128(2)	The official Receiver shall transfer to the general revenue any interest paid in respect of deposits under (a) Bankruptcy Estates Account (b) account operated by the Official Receiver in Bankruptcy Account	Total bank interest

Appendix 4

Appendix 4 — Fees the Court charges to a trustee or liquidator (including the ORO) (Hong Kong)

Fees the Court charges to a trustee or liquidator (including the ORO)		
Case Type	Description	Amount (HK\$)
Liquidation & Bankruptcy	On application for release For every \$1,000 or fraction of \$1,000 of the gross amount of assets realised and brought to credit	\$5
Bankruptcy	Application for suspension of discharge	\$528
Bankruptcy	On an application to the court for an interim order under section 20 (individual voluntary arrangement), a fee computed at the rate on the gross amount of the proposal-	
	On every \$1,000 or fraction of \$1,000 up to \$100,000	\$15
	On every \$1,000 or fraction of \$1,000 beyond \$100,000	\$7.5
Liquidation and Bankruptcy	On taxation of a bill of costs for service acquired by a liquidator or trustee	
	For every \$100 or fraction of \$100 of the amount allowed-	
	for the first \$100,000	\$6
	for the next \$150,000	\$4
	for the next \$250,000	\$3
	for the remainder	\$1

Appendix 5

Appendix 5 — Amount charged by the court to other organizations during the administration of an insolvent estate (Hong Kong)

Amount charged by the court to other organizations during the administration of an insolvent estate		
Case Type	Description	Amount (HK\$)
Bankruptcy	Application for early discharge (Note: The application is usually made by bankrupt)	\$528
Bankruptcy	Search in the High Court Registry (other than by a petitioner, trustee, bankrupt or any officer of the court) for a document or file	\$18

Appendix 6

Appendix 6 — Statement of Services Performance results for year 2006-2007 (New Zealand)

Statement of Services Performance results for year 2006-2007	
SERVICE DESCRIPTION: Statements of Service Performance ⁸ Effective administration of personal bankruptcies and company liquidations, initiated by the Court, under the Insolvency Act and Companies Act	2006/2007 Results
Measurement: QUALITY The annual average quality assurance rating for estate administration as assessed from an internal audit programme demonstrates that at least "an acceptable level" (level 2 ⁹) of compliance was achieved.	YES
Measurement: TIMELINESS To Achieve a maximum percentage of case closures against total cases received: 80% of cases that are between six months and one year old were closed; 90% of cases that are between one and two years old were closed; and 95% of cases that are between one and two years old were closed.	89% 96% 99%

- 8 **Statement of service performance (SSP):** Government departments, and those Crown entities from which the Government purchases a significant quantity of goods and services, are required to include audited statements of objectives and statements of service performance with their financial statements. These statements report whether the organisation has met its service objectives for the year.
- 9 The internal audit programme rates the quality of estate administration on a rating level of 1 to 5, with 1 being the highest and 5 being the lowest. Each rating level is defined as follows: 1 is a high level of compliance; 2 is an acceptable level of compliance; 3 is a marginal level of compliance; 4 is an unacceptable level of compliance; 5 the office does not comply.

Appendix 7

Appendix 7 — Court Fees (United Kingdom)

UK- Supreme Court Fees		
Fee Title	Fee No	£
On application on notice where no other fee is specified	2.4	50.00
On an application by consent or without notice for a judgment or order where no other fee is specified	2.5	25.00
On entering a bankruptcy petition if presented by a debtor	6.1[a]	120.00
On entering a bankruptcy petition if presented by a creditor	6.1[b]	150.00
On entering any other petition [excluding the petition for an administration order]	6.3	150.00
On the hearing of a Public Examination	N/A	No Fee
On a request for a certificate of discharge from bankruptcy	6.4[a]	50.00
After the first certificate of discharge, for each further copy	6.4[b]	1.00

UK County Court Fees		
Fee Title	New Fee No	26.04.99 £
On application on notice where no other fee is specified	2.4	50.00
On an application by consent or without notice for a judgement or order where no other fee is specified	2.5	25.00
On entering a bankruptcy petition if presented by a debtor	8.1[a]	120.00
On entering a bankruptcy petition if presented by a creditor	8.1[b]	150.00
On entering any other petition [excluding a petition for an administration order]	8.3	150.00
On the hearing of a Public Examination	N/A	No Fee
On a request for a certificate of discharge from bankruptcy	8.4[a]	50.00
After the first certificate of discharge, for each further copy	8.4[b]	1.00

Appendix 8

Appendix 8 — Fees to begin the administrative proceeding and charge to change the character of the proceeding (United States of America)

Fees to begin the administrative proceeding and charge to change the character of the proceeding (US)				
Chapter	Filing Fee	Administrative Fee	Chapter 7 Surcharge	Total Fee Due Upon Filing
Chapter 7 (liquidations)	\$245	\$39	\$15	\$299
Chapter 9 (municipal insolvencies)	\$1,000	\$39	-0-	\$1,039
Chapter 11 (complex reorganizations)	\$1,000	\$39	-0-	\$1,039
Chapter 12 (family farmer reorganizations)	\$200	\$39	-0-	\$239
Chapter 13 (wage earner reorganizations)	\$235	\$39	-0-	\$274
Chapter 15 (proceedings in the United States to assist a foreign court administer an insolvent estate)	\$1,000	\$39	-0-	\$1,039

Appendix 9

Appendix 9 — Charges on Disbursements (United States of America)

Charges on Disbursements (US)	
Quarterly Fee	Quarterly Disbursements
\$250	less than \$15,000
\$500	\$15,000 or more but less than \$75,000
\$750	\$75,000 or more but less than \$150,000
\$1,250	\$150,000 or more but less than \$225,000
\$1,500	\$225,000 or more but less than \$300,000
\$3,750	\$300,000 or more but less than \$1,000,000
\$5,000	\$1,000,000 or more but less than \$2,000,000
\$7,500	\$2,000,000 or more but less than \$3,000,000
\$8,000	\$3,000,000 or more but less than \$5,000,000
\$10,000	\$5,000,000 or more