STATUTORY INSTRUMENTS

2010 No. 732

INSOLVENCY, ENGLAND AND WALES

FEES

The Insolvency Proceedings (Fees) (Amendment) Order 2010

Made - - - -	*8th March 2010*
Laid before Parliament	*15th March 2010*
Coming into force - -	*6th April 2010*

The Lord Chancellor, in exercise of the powers conferred by sections 414 and 415 of the Insolvency Act 1986(**a**) and with the sanction of the Treasury, makes the following Order—

Citation, commencement and interpretation

1. This Order may be cited as the Insolvency Proceedings (Fees) (Amendment) Order 2010 and comes into force on 6th April 2010.

2. In this Order, "the principal Order" means the Insolvency Proceedings (Fees) Order 2004(**b**).

Amendments to the Insolvency Proceedings (Fees) Order 2004

3. Subject to article 8 of this Order, the principal Order is amended as set out in articles 4 to 6 of this Order.

4. In article 5, for "£360" substitute "£450".

5. In article 6(1), in the definition of "appropriate deposit"—

(a) in sub-paragraph (a), for "£715" substitute "£1,000";

(b) in sub-paragraph (b), for "£360" substitute "£450"; and

(c) in sub-paragraph (c), for "£430" substitute "£600".

6.—(1) In Schedule 2, the Table of Fees is amended as follows.

(2) In respect of the fee designated as W1, for "£2,160" substitute "£2,235".

(3) For the fee designated as B2 substitute—

(**a**) 1986 c.45. Section 415(1) was amended by section 108 of, and Part 1 of Schedule 20 to, the Tribunals, Courts and Enforcement Act 2007 (2007 c.15).

(**b**) S.I. 2004/593, amended by S.I. 2005/544, 2006/561, 2007/521, 2008/714 and 2009/645.

"B2	**Bankruptcy—Secretary of State's administration fee applicable to bankruptcy orders made on or after 6 April 2010** For the performance of the Secretary of State's general duties under the insolvency legislation in relation to the administration of the estate of each bankrupt, there shall be payable a fee calculated in accordance with the following scale as a percentage of chargeable receipts relating to the bankruptcy (but ignoring that part of the chargeable receipts which exceeds the bankruptcy ceiling) at the rate of---	0% of the first £2,000 100% of the next £1,700 75% of the next £1,500 15% of the next £396,000 1% of the remainder, subject to a maximum of £80,000."

(4) For the fee designated as W2 substitute—

"W2	**Winding up by the court—Secretary of State's administration fee applicable to winding up orders made on or after 6 April 2010** For the performance of the Secretary of State's 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 shall be payable a fee calculated in accordance with the following scale as a percentage of chargeable receipts relating to the company at the rate of---	0% of the first £2,500 100% of the next £1,700 75% of the next £1,500 15% of the next £396,000 1% of the remainder, subject to a maximum of £80,000."

Revocation

7.—(1) The definitions "excepted bankruptcy" and "excepted winding-up" in paragraph 1(1) Schedule 2 are revoked.

(2) Article 5 of the Insolvency Proceedings (Fees) (Amendment) Order 2009(**a**) is revoked.

(**a**) S.I. 2009/645.

Transitional provisions

8.—(1) The amendments and revocations made by this Order apply as follows.

(2) The amendment made by article 4 to article 5 of the principal Order applies only to reports submitted to the court in respect of debtor's petitions presented on or after 6th April 2010.

(3) The amendments made by article 5 to article 6 of the principal Order apply only to petitions presented on or after 6th April 2010.

(4) The amendments made by article 6(2), (3) and (4) to Schedule 2 to the principal Order apply only in respect of bankruptcy and winding-up orders made on or after 6th April 2010.

(5) The revocations made by article 7(1) to Schedule 2 to the principal Order have effect only in respect of bankruptcy and winding-up orders made on or after 6th April 2010.

(6) The revocation made by article 7(2) to the Insolvency Proceedings (Fees) (Amendment) Order 2009 has effect only in respect of bankruptcy and winding-up orders made on or after 6th April 2010.

Jack Straw
Lord Chancellor and Secretary of State for Justice
4th March 2010 Ministry of Justice

We concur

Tony Cunningham
Dave Watts
8th March 2010 Two of the Lord's Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

The Order makes amendments to the Insolvency Proceedings (Fees) Order 2004 (S.I 2004/593) (the "principal Order"). It increases the deposits payable in respect of bankruptcy and winding up petitions and also changes the calculation of the fees payable on bankruptcy and winding up.

Article 4 increase the fee payable to an insolvency practitioner appointed under section 273 of the Insolvency Act 1986 to prepare a report under section 274 of that Act (report into affairs of debtor petitioning for own bankruptcy).

Article 5 increases the amount of the deposits payable pursuant to article 6 of the principal Order on presenting a petition for bankruptcy or winding up.

Article 6 makes various amendments to the Table of Fees in Schedule 2 to the principal Order. It increases the fee payable for the performance by the official receiver of his general duties on the making of a winding-up order from £2,160 to £2,235. It also amends the fees payable to the Secretary of State on bankruptcy and winding-up orders.

Article 7 revokes the definitions of "excepted bankruptcy" and "excepted winding-up" in the principal Order. These definitions were inserted in the principal Order by the Insolvency Proceedings (Fees) (Amendment) Order 2009 (S.I. 2009/645). The amendments made by article 6 to the fees payable to the Secretary of State mean these definitions are no longer necessary.

Article 8 makes transitional arrangements. Amendments made by article 5 to the amount of deposits payable apply only to petitions presented on or after 6th April 2010. Amendments made by article 6 to fees listed in the Table of Fees apply only to bankruptcy and winding-up orders made on or after 6th April 2010.

No impact assessment has been prepared for this Order.

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