STATUTORY INSTRUMENTS

2014 No. 583

INSOLVENCY, ENGLAND AND WALES

FEES

The Insolvency Proceedings (Fees) (Amendment) Order 2014

Made - - - -	*11th March 2014*
Laid before Parliament	*12th March 2014*
Coming into force - -	*6th April 2014*

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 and commencement

1.—(1) This Order may be cited as the Insolvency Proceedings (Fees) (Amendment) Order 2014 and comes into force on 6th April 2014.

(2) In this Order any reference to a numbered article or Schedule is a reference to that article of, or Schedule to, the Insolvency Proceedings (Fees) Order 2004(**b**).

Amendments to the Insolvency Proceedings (Fees) Order 2004

2. Article 6(1) (deposits-winding up by the court and bankruptcy) the definition of "appropriate deposit" is amended as follows—

(a) in sub-paragraph (a), for "the sum of £1,165" substitute,", other than a winding-up petition to be presented under section 124A, the sum of £1,250";

(b) after sub-paragraph (a), add—

"(aa) in relation to a winding-up petition to be presented under section 124A the sum of £5,000"; and

(c) in sub-paragraph (c), for "£700" substitute "£750".

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

(2) In respect of the fee designated as B1, for "£1,715" prescribed as the amount of that fee, substitute "£1,850".

(3) In respect of the fee designated as W1, substitute—

"W1	**Winding up by the court other than a**	

(**a**) 1986 c.45.
(**b**) S.I. 2004/593, amended by S.I. 2005/544, 2006/561, 2007/521, 2008/714, 2009/645, 2010/732 and 2011/1167.

	winding up on a petition presented under section 124A— official receiver's administration fee For the performance by the official receiver of his general duties as official receiver on the making of a winding-up order other than on a petition presented under section 124A, including his duty to investigate and report upon the affairs of bodies in liquidation, there shall be payable a fee of—	£2,400
W1A	**Winding up by the court on a petition presented under section 124A— official receiver's administration fee** For the performance by the official receiver of his general duties as official receiver on the making of a winding-up order on a petition presented under section 124A, including his duty to investigate and report upon the affairs of bodies in liquidation, there shall be payable a fee of—	£5,000"

Transitional Provision

4. The amendments made by this Order apply only to petitions presented on or after 6th April 2014.

Signed by authority of the Lord Chancellor

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

10th March 2014

We concur

Mark Lancaster
Stephen Crabb
Two of the Lords Commissioners of Her Majesty's Treasury

11th March 2014

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Insolvency Proceedings (Fees) Order 2004 (the "principal Order").

Article 2 increases the amount of the deposit payable pursuant to article 6 of the principal Order on a creditor presenting a petition for bankruptcy or on the presentation of a petition for winding up. Where a debtor presents a petition for bankruptcy, the deposit remains unchanged. Article 2 also introduces a new higher deposit, representing the full administration fee due to the official receiver where a petition for winding-up is presented under section 124A of the Insolvency Act 1986 (petition for winding-up on the grounds of public interest).

Article 3 increases the official receiver's administration fee payable in relation to bankruptcy and winding up by the court. It introduces a new higher administration fee in respect of a winding up following a petition presented under section 124A.

Article 4 provides that the increases apply only to petitions presented on or after 6th April 2014.

A full impact assessment of the effect that the instrument will have on the costs of business and the voluntary sector is available from The Insolvency Service, 4 Abbey Orchard Street, London SW1P 2HT and is published on The Insolvency Service website www.insolvency.gov.uk. It is also published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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