



Insolvency Act 1986

1986 CHAPTER 45

PART XV

SUBORDINATE LEGISLATION

Fees orders

414 Fees orders (company insolvency proceedings).

- (1) There shall be paid in respect of—
 - (a) proceedings under any of Parts I to VII of this Act, and
 - (b) the performance by the official receiver or the Secretary of State of functions under those Parts,such fees as the competent authority may with the sanction of the Treasury by order direct.
- (2) That authority is—
 - (a) in relation to England and Wales, the Lord Chancellor, and
 - (b) in relation to Scotland, the Secretary of State.
- (3) The Treasury may by order direct by whom and in what manner the fees are to be collected and accounted for.
- (4) The Lord Chancellor may, with the sanction of the Treasury, by order provide for sums to be deposited, by such persons, in such manner and in such circumstances as may be specified in the order, by way of security for fees payable by virtue of this section.
- (5) An order under this section may contain such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor, the Secretary of State or (as the case may be) the Treasury necessary or expedient.
- (6) An order under this section shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.
- (7) Fees payable by virtue of this section shall be paid into the Consolidated Fund.

Status: Point in time view as at 01/10/2015.

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- (8) References in subsection (1) to Parts I to VII of this Act are to be read as including ^[F1]the Companies Acts] so far as relating to, and to matters connected with or arising out of, the insolvency or winding up of companies.
- ^[F2](8A) This section applies in relation to Part 2 of the Banking Act 2009 (bank insolvency) as in relation to Parts I to VII of this Act.]
- ^[F3](8B) This section applies in relation to Part 3 of the Banking Act 2009 (bank administration) as in relation to Parts I to VII of this Act.]
- ^[F4](8C) In subsections (8A) and (8B) the reference to Parts 2 and 3 of the Banking Act 2009 include references to those Parts as applied to building societies (see section 90C of the Building Societies Act 1986).]
- (9) ^[F5]Nothing in this section prejudices any power to make rules of court; and the application of this section to Scotland is without prejudice to section 2 of the ^{M1}Courts of Law Fees (Scotland) Act 1895.]

Textual Amendments

- F1** Words in s. 414(8) substituted (1.10.2007) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), art. 10(1), [Sch. 4 para. 44](#) (with art. 12)
- F2** S. 414(8A) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 126, 263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), [Sch.](#)
- F3** S. 414(8B) inserted (17.2.2009 for certain purposes, otherwise 21.2.2009) by [Banking Act 2009 \(c. 1\)](#), [ss. 161, 263\(1\)\(2\)](#) (with s. 247); S.I. 2009/296, [arts. 2, 3](#), [Sch.](#)
- F4** S. 414(8C) inserted (29.3.2009) by [The Building Societies \(Insolvency and Special Administration\) Order 2009 \(S.I. 2009/805\)](#), [art. 14](#)
- F5** S. 414(9) repealed (S.) (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2015 \(S.S.I. 2015/150\)](#), art. 1, [sch. para. 4](#)

Modifications etc. (not altering text)

- C1** S. 414 extended by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), [ss. 54\(3\)\(a\)\(5\)\(a\)](#), 90, 126(3), [Sch. 15](#) para. 58(2)
- C2** S. 414 extended by [Company Directors Disqualification Act 1986 \(c. 46, SIF 27\)](#), [ss. 21\(2\)](#), 25
- C3** S. 414 extended (1.2.1993) by [Friendly Societies Act 1992 \(1992 c. 40\)](#), s. 23, [Sch. 10 para. 69\(2\)](#) (with [ss. 7\(5\), 93\(4\)](#)); S.I. 1993/16, art. 2, [Sch.3](#)
- C4** S. 414 applied (1.12.1994) by S.I. 1994/2421, [arts. 4\(3\)\(e\)](#), 6(3)(e)
S. 414 extended (1.12.1997) by 1986 c. 53, [Sch. 15A para. 4\(2\)](#) (as inserted (1.12.1997) by 1997 c. 32, s. 39(2), [Sch. 6](#); S.I. 1997/2668, art. 2, [Sch. Pt. I\(i\)](#))
- C5** S. 414(4) modified (1.12.1994) by S.I. 1994/2421, [art. 13\(1\)](#)
- C6** S. 414(4) modified by S.I. 1986/2142, [arts. 1\(2\)](#), 5(3), 15

Marginal Citations

- M1** 1895 c. 14

415 Fees orders (individual insolvency proceedings in England and Wales).

- (1) There shall be paid in respect of—
- ^[F6](za) the costs of persons acting as approved intermediaries under Part 7A,]
- (a) proceedings under ^[F7]Parts 7A to 11] of this Act, ^[F8]and]

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- (b) the performance by the official receiver or the Secretary of State of functions under those Parts, ^{F9}and
- (c) the performance by an adjudicator of functions under Part 9 of this Act,] such fees as the Lord Chancellor may with the sanction of the Treasury by order direct.
- ^{F10}(1A) An order under subsection (1) may make different provision for different purposes, including by reference to the manner or form in which proceedings are commenced.]
- (2) The Treasury may by order direct by whom and in what manner the fees are to be collected and accounted for.
- (3) The Lord Chancellor may, with the sanction of the Treasury, by order provide for sums to be deposited, by such persons, in such manner and in such circumstances as may be specified in the order, by way of security for—
- (a) fees payable by virtue of this section, and
- (b) fees payable to any person who has prepared an insolvency practitioner’s report under section 274 in Chapter I of Part IX.
- (4) An order under this section may contain such incidental, supplemental and transitional provisions as may appear to the Lord Chancellor or, as the case may be, the Treasury, necessary or expedient.
- (5) An order under this section shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.
- (6) Fees payable by virtue of this section shall be paid into the Consolidated Fund.
- (7) Nothing in this section prejudices any power to make rules of court.

Textual Amendments

- F6** S. 415(1)(za) inserted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), ss. 108\(3\), 148\(5\), Sch. 20 para. 9\(2\)](#); S.I. 2009/382, [art. 2](#)
- F7** Words in s. 415(1)(a) substituted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), ss. 108\(3\), 148\(5\), Sch. 20 para. 9\(3\)](#); S.I. 2009/382, [art. 2](#)
- F8** Word in s. 415(1)(a) omitted (25.4.2013 for specified purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(1\)\(i\)\(3\), Sch. 19 para. 59\(2\)\(a\)](#)
- F9** S. 415(1)(c) and word inserted (25.4.2013 for specified purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(1\)\(i\)\(3\), Sch. 19 para. 59\(2\)\(b\)](#)
- F10** S. 415(1A) inserted (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(1\)\(i\)\(3\), Sch. 19 para. 59\(3\)](#); S.I. 2016/191, [art. 2](#) (with [art. 3](#))

Modifications etc. (not altering text)

- C7** S. 415 applied with modifications by S.I. 1986/1999, [art. 3, Sch. 1 Pt. II](#)
- C8** S. 415(3) modified by S.I. 1986/2142, [arts. 1\(2\), 5\(3\), 15](#)
S. 415(3) applied (with modifications) (1.12.1994) by S.I. 1994/2421, [art. 13\(1\)](#)

^{F11}415A Fees orders (general)

- ^{F12}(A1) [The Secretary of State—

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- (a) may by order require a person or body to pay a fee in connection with the grant or maintenance of a designation of that person or body as a competent authority under section 251U, and
 - (b) may refuse to grant, or may withdraw, any such designation where a fee is not paid.]
- (1) The Secretary of State—
- (a) may by order require a body to pay a fee in connection with the grant or maintenance of recognition of the body under section 391, and
 - (b) may refuse recognition, or revoke an order of recognition under section 391(1) ^{F13}or (2)] by a further order, where a fee is not paid.
- [Fees under subsection (1) may vary according to whether the body is recognised under ^{F14}(1A) section 391(1) (body providing full and partial authorisation) or under section 391(2) (body providing partial authorisation).]
- [In setting under subsection (1) the amount of a fee in connection with maintenance of ^{F15}(1B) recognition, the matters to which the Secretary of State may have regard include, in particular, the costs of the Secretary of State in connection with any functions under sections 391D, 391E, 391J, 391K and 391N.]
- ^{F16}(2)
- (3) The Secretary of State may by order require the payment of fees in respect of—
- (a) the operation of the Insolvency Services Account;
 - (b) payments into and out of that Account.
- (4) The following provisions of section 414 apply to fees under this section as they apply to fees under that section—
- (a) subsection (3) (manner of payment),
 - (b) subsection (5) (additional provision),
 - (c) subsection (6) (statutory instrument),
 - (d) subsection (7) (payment into Consolidated Fund), and
 - (e) subsection (9) (saving for rules of court).]
- [^{F17}(5) Section 391M applies for the purposes of an order under subsection (1)(b) as it applies for the purposes of a revocation order made under section 391L.]

Textual Amendments

- F11** S. 415A inserted (18.12.2003) by 2002 c. 40, ss. 270(1), 279 (with s. 249(6)); S.I. 2003/3340, **art. 3**
- F12** S. 415A(A1) inserted (24.2.2009 for certain purposes otherwise 6.4.2009) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 108(3), 148(5), **Sch. 20 para. 10**; S.I. 2009/382, **art. 2**
- F13** Words in s. 415A(1)(b) inserted (1.10.2015) by Deregulation Act 2015 (c. 20), **ss. 17(5)(a)**, 115(7); S.I. 2015/1732, **art. 2(c)**
- F14** S. 415A(1A) inserted (1.10.2015) by Deregulation Act 2015 (c. 20), **ss. 17(5)(b)**, 115(7); S.I. 2015/1732, **art. 2(c)**
- F15** S. 415A(1B) inserted (1.10.2015 immediately after 2015 c. 20, s. 17 comes into force) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 139(2)**, 164(1); S.I. 2015/1689, **reg. 3(a)**
- F16** S. 415A(2) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 6 para. 22(5)(a)**; S.I. 2015/1732, **art. 2(e)(vi)** (with art. 7)

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F17 S. 415A(5) inserted (1.10.2015 immediately after 2015 c. 20, s. 17 comes into force) by Small Business, Enterprise and Employment Act 2015 (c. 26), ss. 140(2), 164(1); S.I. 2015/1689, reg. 3(a)

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