

1986 No. 2030

INSOLVENCY

COMPANIES

INDIVIDUALS, ENGLAND AND WALES

The Insolvency Fees Order 1986

| | |
|-------------------------------|--------------------|
| <i>Made - - - -</i> | 24th November 1986 |
| <i>Laid before Parliament</i> | 8th December 1986 |
| <i>Coming into Force</i> | 29th December 1986 |

The Lord Chancellor, in exercise of the powers conferred on him by section 133 of the Bankruptcy Act 1914 (a), sections 414 and 415 of the Insolvency Act 1986 (b) and section 2 of the Public Offices Fees Act 1879 (c), and with the sanction of the Treasury, hereby makes the following Order:—

Citation, Commencement and Application

1.—(1) This Order may be cited as the Insolvency Fees Order 1986 and shall come into force on 29th December 1986.

(2) This Order applies to proceedings under the Insolvency Act 1986 and the Insolvency Rules 1986 (d) where—

- (a) in the case of bankruptcy proceedings, the petition was presented on or after the day on which this Order comes into force, and
- (b) in the case of any other proceedings, those proceedings commenced on or after that day.

(3) This Order extends to England and Wales only.

Interpretation

2. In this Order, unless the context otherwise requires—

- (a) “the Act” means the Insolvency Act 1986 (any reference to a numbered section being to a section of that Act);
- (b) “the Rules” means the Insolvency Rules 1986 (any reference to a numbered rule being to a rule so numbered in the Rules);
- (c) “the Regulations” means the Insolvency Regulations 1986 (e) (any reference to a numbered regulation being to a regulation so numbered in the Regulations).

Fees payable in company and individual insolvency proceedings

3. The fees to be charged in respect of proceedings under Parts I to VII of the Act (Company Insolvency; Companies Winding Up), and the performance by the official receiver or Secretary of State of functions under those Parts, shall be those set out in Part I of the Schedule to this Order.

(a) 1914 c.59.
(d) S.I. 1986/1925.

(b) 1986 c.45.
(e) S.I. 1986/1994.

(c) 1879 c.58.

4. The fees to be charged in respect of proceedings under Parts VIII to XI of the Act (Insolvency of Individuals; Bankruptcy) and the performance by the official receiver or Secretary of State of functions under those Parts, shall be those set out in Part II of the Schedule to this Order.

5.—(1) All fees shall be taken in cash.

(2) When a fee is paid to an officer of a court the person paying the fee shall inform the officer whether the fee relates to a company insolvency proceeding or an individual insolvency proceeding.

6. Where Value Added Tax is chargeable in respect of the provision of a service for which a fee is prescribed in the Schedule, there shall be payable in addition to that fee the amount of the Value Added Tax.

Deposits on presentation of bankruptcy or winding-up petition

7. The following 5 Articles apply where it is intended to present to the court a winding-up or bankruptcy petition under the Act.

8.—(1) Before a winding-up or bankruptcy petition can be presented the appropriate deposit (as specified in Article 9 below) must be paid to the court in which the petition is to be presented.

(2) That deposit is security—

- (a) for Fee No. 1 listed in Part I of the Schedule to this Order or Fee No. 2 listed in Part II of that Schedule, as the case may be (each such fee being referred to in this Order as “the administration fee”), or
- (b) where an insolvency practitioner is appointed under section 273, for the payment of his fee under Article 12 below.

9. The appropriate deposit referred to in Article 8 is—

- (a) in relation to a winding-up petition to be presented under the Act, £200;
- (b) in relation to a bankruptcy petition to be presented under section 264(1)(b), £100;
- (c) in relation to a bankruptcy petition to be presented under section 264(1)(a), (c) or (d), £200.

10. The court shall (except in a case falling within Article 12 below) transmit the deposit paid to the official receiver attached to the court.

11.—(1) In the circumstances specified in this Article a deposit made under Article 8 above is to be repaid to the person who made it.

(2) Where a winding-up or bankruptcy petition under the Act is dismissed or withdrawn the deposit shall be repaid in full, unless—

- (a) a winding-up or bankruptcy order has been made, or
- (b) a fee has become payable to an insolvency practitioner under Article 12 below.

(3) If the assets of the company being wound up are, or (as the case may be) the bankrupt’s estate is, sufficient to pay the whole or part of the relevant administration fee, then the deposit shall be repaid to the extent that it is not required for payment of that fee.

(4) Where a winding-up or bankruptcy order is annulled, rescinded or recalled, the deposit shall be repaid to the extent that it is not required for payment of the relevant administration fee, unless a fee has become payable to an insolvency practitioner under Article 12 below.

Fees payable to insolvency practitioner appointed under section 273

12. Where the court appoints an insolvency practitioner under section 273(2) to prepare and submit a report under section 274 the court shall, on submission of that report, pay to the practitioner a fee of £100 (that sum being inclusive of Value Added Tax).

Revocation

13. Fee No. 6 in Table B in the Schedule to the Bankruptcy Fees Order 1984 (a) (fee payable on application to the Department of Trade and Industry to search public records) is hereby revoked.

Dated 20th November 1986

Hailsham of St Marylebone, C.

We concur.

Dated 24th November 1986.

*Michael Neubert,
Tim Sainsbury,*
Two of the Lords Commissioners
of Her Majesty's Treasury.

(a) S.I. 1984/880, as amended by S.I. 1985/1783.

SCHEDULE

FEES PAYABLE UNDER INSOLVENCY ACT 1986

PART I

Article 3

COMPANY INSOLVENCY, COMPANIES WINDING-UP

| No. of Fee | Description of Proceeding | Amount £ |
|---------------|---|-----------------|
| 1 | For the performance by the official receiver of his general duties as official receiver on the making of a winding-up order | 490.00 |
| 2 | For all official stationery, printing, postage and telephone charges, including notices to creditors and contributories in respect of the first meetings of creditors and contributories and of sittings of the court— (i) for a number of creditors and contributories not exceeding 25 | 135.00 |
| | (ii) for every additional 10 creditors and contributories or part thereof | 30.00 |
| 3 | (a) Where the official receiver decides to summon meetings of creditors and contributories under section 136(4), for the holding of those meetings | 50.00 |
| | (b) Where any other meetings of creditors and contributories are held by the official receiver, for summoning and holding the meetings— (i) for a number of creditors and contributories not exceeding 25 | 120.00 |
| | (ii) for every additional 10 creditors and contributories or part thereof | 15.00 |
| 4 | On any application to the court for the rescission or recall of a winding-up order where the official receiver attends or makes a report to the court ... for each further attendance or report | 67.00 35.00 |
| 5 | Where the official receiver supervises a special manager or the carrying on of a company's business— for each week or part thereof | 67.00 |
| 6 | For taking an affidavit, affirmation or declaration, except affidavits of debt— (i) for each person making the same | 3.00 |
| | (ii) for each exhibit or schedule to be marked | 0.75 |
| 7 | On the insertion in the Gazette by the Secretary of State or the official receiver of any notice authorised by the Act or the Rules | 16.25 |
| 8 | On each application by a liquidator to the Secretary of State or to the official receiver to exercise the powers of a creditors' committee by virtue of section 141(5) or rule 4.172 | 21.00 |

| No. of Fee | Description of Proceeding | Amount £ |
|------------|---|--|
| 9 | On an application to the Secretary of State under regulation 5, 15 and 25 for a payment from the Insolvency Services Account or for the re-issue of a cheque, money order or payable order in respect of moneys standing to the credit of the Insolvency Services Account, for each cheque, money order or payable order issued or re-issued | 0.50 |
| 10 | <p>For the performance by the Secretary of State of his general duties under the Act, the Rules and the Regulations in relation to the administration of the affairs of companies which are being wound-up by the court, a fee in accordance with the following scale, calculated on the amount paid into the Insolvency Services Account by liquidators under regulations 4 and 16 (after deducting any sums paid to secured creditors in respect of their securities and any sums spent out of money received in carrying on the business of the company):—</p> <p>(i) on the first £50,000 or fraction thereof</p> <p>(ii) on the next £50,000 or fraction thereof</p> <p>(iii) on the next £400,000 or fraction thereof</p> <p>(iv) on the next £500,000 or fraction thereof</p> <p>(v) on the next £4,000,000 or fraction thereof</p> <p>(vi) on all further amounts</p> | <p>per cent 10.00</p> <p>per cent 7.50</p> <p>per cent 6.50</p> <p>per cent 3.75</p> <p>per cent 2.00</p> <p>per cent 1.00</p> |
| 11 | <p>For the performance by the Secretary of State of his general duties under the Act, the Rules and the Regulations in relation to the administration of the affairs of companies which are being wound-up voluntarily, the following fees calculated on payments into the Insolvency Services Account by liquidators under regulations 24 and 33:—</p> <p>(1) Where the money consists of unclaimed dividends</p> <p>(2) Where the money consists of undistributed funds or balances:—</p> <p>(i) on the first £50,000 or fraction thereof</p> <p>(ii) on all further amounts</p> <p>but so that the total fee payable under this subparagraph (2) shall not exceed £7,500.</p> | <p>per cent 1.25</p> <p>per cent 1.25</p> <p>per cent 0.75</p> |
| 12 | On the amount expended on any purchase of Government securities (including the renewal of Treasury Bills) pursuant to a request made under regulation 18 or 34 | per cent 0.375 |

PART II

Article 4

INSOLVENCY OF INDIVIDUALS; BANKRUPTCY

| No. of Fee | Description of Proceeding | Amount £ |
|------------|--|--|
| 1 | On registration with the Secretary of State of an individual voluntary arrangement under Part VIII of the Act | 27.50 |
| 2 | For the performance by the official receiver of his general duties as official receiver on the making of a bankruptcy order | 245.00 |
| 3 | For all official stationery, printing, postage and telephone charges, including notices to creditors in respect of the first meeting of creditors and of sittings of the court— (i) for a number of creditors not exceeding 25 | 135.00 |
| | (ii) for every additional 10 creditors or part thereof | 30.00 |
| 4 | (a) Where the official receiver decides to summon a meeting of creditors under section 293(1), for the holding of that meeting | 50.00 |
| | (b) Where any other meeting of creditors is held by the official receiver, for summoning and holding the meeting— | |
| | (i) for a number of creditors not exceeding 25 | 120.00 |
| | (ii) for every additional 10 creditors or part thereof | 15.00 |
| 5 | On the payments made by the official receiver into the Insolvency Services Account as a result of the performance of his functions as receiver and manager under section 287 (after deducting any sums paid to secured creditors in respect of their securities and any sums spent in carrying on the business of the debtor) a fee in accordance with the following scale— (i) on the first £5,000 or fraction thereof . (ii) on the next £5,000 or fraction thereof . (iii) on the next £90,000 or fraction thereof | per cent 20.00 per cent 15.00 per cent 10.00 |
| | (iv) on all further sums | per cent 5.00 |
| 6 | Where the official receiver, acting as receiver and manager under section 287, makes any payment to creditors, a fee of one-half the scale fee calculated under Fee No. 5 on the amount of the payment. | |

| No. of Fee | Description of Proceeding | Amount £ |
|------------|---|---|
| 7 | On any application to the court for the rescission or annulment of a bankruptcy order or relating to the discharge of a bankrupt, where the official receiver attends or makes a report to the court ... for each further attendance or report | 67.00 35.00 |
| 8 | Where the official receiver supervises a special manager or the carrying on of a debtor's business — for each week or part thereof | 67.00 |
| 9 | For taking an affidavit, affirmation or declaration, except affidavits of debt— (i) for each person making the same (ii) for each exhibit or schedule to be marked | 3.00 0.75 |
| 10 | On the insertion in the Gazette by the Secretary of State or the official receiver of any notice authorised by the Act or the Rules | 16.25 |
| 11 | On each application by a trustee to the Secretary of State or to the official receiver to exercise the powers of a creditors' committee by virtue of section 302 or rule 6.166 | 21.00 |
| 12 | On an application to the Secretary of State under regulation 5 and 15 for a payment from the Insolvency Services Account or for the re-issue of a cheque, money order or payable order in respect of moneys standing to the credit of the Insolvency Services Account, for each cheque, money order or payable order issued or re-issued | 0.50 |
| 13 | For the performance by the Secretary of State of his general duties under the Act, the Rules and the Regulations in relation to the administration of the estates of individuals, a fee in accordance with the following scale, calculated on the amount paid into the Insolvency Service Account by trustees under regulation 4 and by the official receiver as receiver and manager under section 287 (after deducting any sums paid to secured creditors in respect of their securities and any sums spent out of money received in carrying on the business of the debtor):— (a) on the first £50,000 or fraction thereof (b) on the next £50,000 or fraction thereof (c) on the next £400,000 or fraction thereof ... (d) on the next £500,000 or fraction thereof ... (e) on the next £4,000,000 or fraction thereof . (f) on all further amounts | per cent 10.00 per cent 7.50 per cent 6.50 per cent 3.75 per cent 2.00 per cent 1.00 |

EXPLANATORY NOTE

(This Note does not form part of the Order.)

This Order prescribes the fees to be charged in company and individual insolvency proceedings in England and Wales to which the Insolvency Act 1986 applies where a bankruptcy petition is presented, or (in the case of proceedings other than bankruptcy) the proceedings are commenced, on or after 29th December 1986. For insolvency proceedings where the bankruptcy petition is presented or the winding-up commenced before that date the Bankruptcy Fees Order 1984 and the Companies (Department of Trade and Industry) Fees Order 1985 (S.I. 1985/1784) will continue to apply, save that Fee No. 6 in Table B of the 1984 Order (fee for search of public records maintained by the Department of Trade and Industry) is revoked by this Order.

This Order also provides for the payment of a deposit on the presentation of a winding-up or bankruptcy petition. The deposit is to be £200 in all cases except where the debtor presents his own petition, in which case it is to be £100.

Finally Article 11 prescribes the fee payable to an insolvency practitioner who is appointed under section 273(2) of the Insolvency Act 1986 to assess whether the debtor is willing and able to seek to make a voluntary arrangement with his creditors.

The Order will come into force on 29th December 1986.

SI 1986/2030
ISBN 0-11-068030-8

