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STATUTORY INSTRUMENTS

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**1994 No. 2541**

**INSOLVENCY**

COMPANIES INDIVIDUALS, ENGLAND AND WALES

The Insolvency Fees (Amendment) Order 1994

*Made* - - - - 28th September 1994  
*Laid before Parliament* 30th September 1994  
*Coming into force* - - 24th October 1994

The Lord Chancellor, in exercise of the powers conferred on him by sections 414 and 415 of the Insolvency Act 1986(1), and with the sanction of the Treasury, hereby makes the following Order:—

1. This Order may be cited as the Insolvency Fees (Amendment) Order 1994 and shall come into force on 24th October 1994.
2. In this Order references to “the Act” are to the Insolvency Act 1986.
3. The Insolvency Fees Order 1986(2) shall be amended—
  - (a) in article 2(c), by substituting for the words “the Insolvency Regulations 1986”, the words “the Insolvency Regulations 1994”(3);
  - (b) in article 4, by inserting at the beginning the words “Subject to article 4A below,”;
  - (c) by inserting after article 4 the following article:—

**“Limits on certain fees**

**4A.**—(1) Fee No. 5 listed in Part II of the Schedule to this Order shall not exceed the sum which is arrived at by applying the scale by which that fee is calculated to such part of 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 as is required to pay the maximum amount.

(2) Fee No. 13 listed in Part II of the Schedule to this Order shall not exceed the sum which is arrived at by applying the scale by which that fee is calculated to such part of the amounts paid into the Insolvency Services Account by trustees under regulation 20 and

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(1) 1986 c. 45.  
(2) S.I. 1986/2030 amended by S.I. 1988/95, S.I. 1990/560, S.I. 1991/496 and S.I. 1992/34.  
(3) S.I. 1994/2507.

by the official receiver as receiver and manager under section 287 as is required to pay the maximum amount.

- (3) In paragraphs (1) and (2) above, “the maximum amount” means the total sum of—
- (a) the bankruptcy debts to the extent required to be paid by the Rules (ignoring those debts paid otherwise than out of the proceeds of the realisation of the bankrupt’s assets or which have been secured to the satisfaction of the court);
  - (b) the expenses of the bankruptcy other than:
    - (i) fees or the remuneration of the official receiver;
    - (ii) for the purposes of paragraph (1) above, any sums spent in carrying on the business of the debtor;
    - (iii) for the purposes of paragraph (2) above, any sums spent out of money received in carrying on the business of the debtor;
  - (c) fees payable under this Order other than Fee No. 5 and Fee No. 13 in Part II of the Schedule to this Order; and
  - (d) the remuneration of the official receiver, other than remuneration calculated pursuant to regulation 33 by reference to the realisation scale in Table 1 of Schedule 2 to the Regulations.
- (4) For the purposes of this article—
- (a) the expression “bankruptcy debts” shall include any interest payable by virtue of section 328(4); and
  - (b) the expression “the expenses of the bankruptcy” shall have the meaning which it bears in the Rules.”;
- (d) in article 9—
- (i) by substituting for the amount “£270” shown in relation to a winding-up petition to be presented under the Act, the amount “£500”;
  - (ii) by substituting for the amount “£135” shown in relation to a bankruptcy petition to be presented under section 264(1)(b) of the Act, the amount “£250”; and
  - (iii) by substituting for the amount “£270” shown in relation to a bankruptcy petition to be presented under section 264(1)(a), (c) or (d) of the Act, the amount “£300”;
- (e) in article 12, by substituting for the amount “£135” shown in relation to a report submitted under section 274 of the Act, the amount “£250”; and
- (f) in the Schedule—
- (i) by substituting for the words “regulation 5, 15 and 25” in Fee No. 9 in Part I, the words “regulations 7 and 8”;
  - (ii) by substituting for the words “regulations 4 and 16” in Fee No. 10 in Part I, the words “regulations 5(1) and 18”;
  - (iii) by substituting for the words “regulations 24 and 33” in Fee No. 11 in Part I, the words “regulations 5(2) and 18”;
  - (iv) by substituting for the words “regulation 18 or 34” in Fee No. 12 in Part I, the words “regulation 9”;
  - (v) by substituting for the words “regulation 5 and 15” in Fee No. 12 in Part II, the words “regulations 22 and 23”; and
  - (vi) by substituting for the words “regulation 4” in Fee No. 13 in Part II, the words “regulation 20”.

26th September 1994

*Mackay of Clashfern, C.*

We concur,

28th September 1994

*Derek Conway*  
*Tim Wood*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

*(This note does not form part of the Order)*

This Order further amends the Insolvency Fees Order 1986. It increases with effect from 24th October 1994 the deposits payable on presentation of a bankruptcy or winding-up petition, and the fee payable to an insolvency practitioner for the preparation of a report under section 274 of the Insolvency Act 1986. It inserts a provision that limits the fees payable for functions carried out by the official receiver as receiver and manager, and by the Secretary of State, where the bankruptcy debts and expenses are paid in full (or in the case of bankruptcy debts, are secured to the satisfaction of the court). It also changes the references to provisions of the Insolvency Regulations 1986 to references to the corresponding provisions in the Insolvency Regulations 1994 (S.I. [1994/2507](#)) which revoke and replace the 1986 Regulations.