

2005 No. 544

INSOLVENCY, ENGLAND AND WALES

FEES

The Insolvency Proceedings (Fees) (Amendment) Order 2005

<i>Made</i> - - - -	<i>7th March 2005</i>
<i>Laid before Parliament</i>	<i>8th March 2005</i>
<i>Coming into force</i> - -	<i>1st April 2005</i>

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

Citation and commencement

1.—(1) This Order may be cited as the Insolvency Proceedings (Fees) (Amendment) Order 2005 and shall come into force on 1st April 2005 (“the commencement date”).

Interpretation

2. In this Order references to the “principal Order” are to the Insolvency Proceedings (Fees) Order 2004(b) and a reference in this Order (other than in article 3) to a numbered article or Schedule is to the article or Schedule so numbered in the principal Order.

Transitional provision

3. The amendments made by article 6 of this Order only apply in relation to any case where a winding-up or a bankruptcy order is made on or after the commencement date.

Amendments to the principal Order

4. The principal Order shall be amended as set out in this Order.

Amendments to article 6 of the principal Order

5. In article 6—

- (a) in paragraph (1)(c) after the words “sections 264(1)(a),” there is inserted “(ba), (bb),”;
and

(a) 1986 c. 45.
(b) S.I. 2004/593.

- (b) in paragraph (2) for the words “The deposit” there are substituted “Where a bankruptcy or winding-up petition is presented the appropriate deposit is payable by the petitioner and the deposit”.

Amendments to Schedule 2 to the principal Order

6. In Schedule 2 for paragraph 1(2)(b) there is substituted—

“(b) does not include anything done by the official receiver in connection with or for the purposes of—

- (i) the appointment of agents for the purposes of, or in connection with, the realisation of assets;
- (ii) the making of a distribution to creditors (including preferential or secured creditors or both such classes of creditor);
- (iii) the realisation of assets on behalf of the holder of a fixed or floating charge or both types of those charges; or
- (iv) the supervision of a special manager.”.

3rd March 2005

Falconer of Thoroton, C

We concur

7th March 2005

Nick Ainger
Jim Murphy
Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Insolvency Proceedings (Fees) Order 2004 (S.I. 2004/593).

Article 6(1) of that Order is amended to provide that a deposit is payable where a bankruptcy petition is presented by a temporary administrator or a liquidator within the meaning of Council Regulation (EC) No 1346/2000. Article 6(2) is clarified in relation to the payment of deposits.

Schedule 2 is amended to exclude certain functions from the definition of the general duties of the official receiver in respect of which fees are payable under Schedule 2 to the 2004 Order.

No Regulatory Impact Assessment has been prepared in relation to this Order as it will not impose any significant costs on business.

STATUTORY INSTRUMENTS

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