

## SCHEDULE 1

### Amendments to the Insolvency Rules 1986

#### Amendments to Rule 2.106

**90.**—(1) Rule 2.106 (fixing of remuneration) is amended as follows.

(2) In paragraph (2)—

- (a) for “The remuneration” substitute “The basis of remuneration”;
- (b) omit “either”;
- (c) at the end add—

“; or

(c) as a set amount.”.

(3) For paragraph (3) substitute—

“(3A) The basis of remuneration may be fixed as any one or more of the bases set out in paragraph (2), and different bases may be fixed in respect of different things done by the administrator.

(3B) Where the basis of remuneration is fixed as set out in paragraph (2)(a), different percentages may be fixed in respect of different things done by the administrator.

(3C) It is for the creditors’ committee (if there is one) to determine—

- (a) which of the bases set out in paragraph (2) are to be fixed and (where appropriate) in what combination under paragraph (3A), and
- (b) the percentage or percentages (if any) to be fixed under paragraphs (2)(a) and (3B) and the amount (if any) to be set under paragraph (2)(c).”.

(4) In paragraph (5), after “determination,” insert “and the case does not fall within paragraph (5A), the basis of”.

(5) In each of paragraphs (5) and (5A), for “paragraph (2)” substitute “paragraphs (2), (3A) and (3B)”.

(6) In paragraph (5A), after “determination,” insert “the basis of”.

(7) In paragraph (6), after “as above,” insert “the basis of”.

(8) At the end of paragraph (6) add—

“and the provisions of paragraphs (2) to (4) apply as they do to the fixing of the basis of remuneration by the creditors’ committee; but such an application may not be made by the administrator unless the administrator has first sought fixing of the basis in accordance with paragraph (3), (5) or (5A), and in any event may not be made more than 18 months after the date of the administrator’s appointment.”.