
STATUTORY INSTRUMENTS

2015 No. 443

The Insolvency (Amendment) Rules 2015

Amendments to the 1986 Rules

5. After Rule 2.109C (apportionment of set fee remuneration) of the 1986 Rules insert—

“Application of Rules 2.109A, 2.109AB and 2.109C where a company subsequently can make a distribution to unsecured creditors

2.109D.—(1) This Rule applies where—

- (a) the basis of remuneration has been fixed in accordance with Rule 2.106(5A);
- (b) the administrator now thinks that the company has sufficient property to enable a distribution to be made to unsecured creditors other than by virtue of section 176A(2)(a); and
- (c) the administrator makes—
 - (i) a request under Rule 2.109A or 2.109AB; or
 - (ii) an application under Rule 2.109C.

(2) The request under Rules 2.109A and 2.109AB must be made—

- (a) where there is a creditors’ committee, to the committee; or
- (b) where there is no creditors’ committee, to the creditors under Rule 2.106(5);

and Rule 2.106(5A) will not apply.

(3) The application under Rule 2.109C must be made—

- (a) where there is a creditors’ committee, to the committee; or
- (b) where there is no creditors’ committee, to the creditors under Rule 2.106(5);

and Rule 2.106(5A) will not apply.”.