STATUTORY INSTRUMENTS

2016 No. 184

INSOLVENCY, ENGLAND AND WALES FEES

The Insolvency Proceedings (Fees) (Amendment) Order 2016

Made - - - -	*11th February 2016*
Laid before Parliament	*22nd February 2016*
Coming into force - -	*6th April 2016*

The Lord Chancellor, in exercise of the powers conferred by section 415 of the Insolvency Act 1986(**1**) and with the sanction of the Treasury, makes the following Order—

Citation and commencement

1.—(1) This Order may be cited as the Insolvency Proceedings (Fees) (Amendment) Order 2016 and comes into force on 6th April 2016.

(2) In this Order any reference to a numbered article or Schedule is a reference to that article of, or Schedule to, the Insolvency Proceedings (Fees) Order 2004(**2**).

Amendments to the Insolvency Proceedings (Fees) Order 2004

2. The Insolvency Proceedings (Fees) Order 2004 is amended as follows.

3. In article 4(1) (fees payable in connection with bankruptcies, debt relief orders, individual voluntary arrangements and winding up) before "official receiver" insert "adjudicator,".

4. Omit article 5 (fees payable to an insolvency practitioner appointed under section 273).

5. In article 6 (deposits-winding up by the court and bankruptcy)—

(a) in paragraph (1) under the definition of "appropriate deposit"—

(i) in sub-paragraph (b) for "under section 264(1)(b)" substitute "by the personal representative of a deceased debtor";

(ii) at the end of sub-paragraph (b) omit "or" and insert—

(**1**) 1986 c.45.
(**2**) S.I. 2004/593, amended by S.I. 2005/544, 2006/561, 2007/521, 2008/714, 2009/645, 2010/732, 2011/1167, 2014/583 and 2015/1819.

"(ba) in relation to a bankruptcy application to be made under section 263H(**3**) the sum of £525; or".

(b) in paragraph (2)—

(i) before "a bankruptcy or winding-up petition is presented" insert "a bankruptcy application is made or";

(ii) before "the petitioner" insert "the applicant or (as the case may be)".

(c) in paragraph (4) omit from "except" until the end of the paragraph.

(d) after paragraph (4) insert—

"(4A) The deposit will be repaid to the debtor where—

(a) the adjudicator has refused to make a bankruptcy order,

(b) 14 days have elapsed from the date of delivery of the notice of refusal, and

(c) the debtor has not made a request to the adjudicator to review the decision.

(4B) Where the debtor has made a request to the adjudicator to review the decision to refuse to make a bankruptcy order the deposit will be repaid to the debtor where—

(a) the adjudicator has confirmed the refusal to make a bankruptcy order,

(b) 28 days have elapsed from the date of delivery of the confirmation of the notice of refusal, and

(c) the debtor has not appealed to the court against the refusal to make a bankruptcy order.

(4C) Where the debtor has appealed to the court against the refusal to make a bankruptcy order the deposit will be repaid to the debtor where the appeal is dismissed or withdrawn.".

6. In Schedule 2 (fees payable in insolvency proceedings) in the Table of Fees before the fee designated as B1 insert—

"BAF1	**Application for a bankruptcy order – adjudicator's administration fee** On the application to the adjudicator for a bankruptcy order, for the performance of the adjudicator functions, there is payable the fee of—	£130"

Transitional Provision

7. The amendment made by article 4 of this Order does not apply to petitions presented before 6th April 2016.

(**3**) Section 263H was inserted by the Enterprise and Regulatory Reform Act 2013 (c.24), Schedule 18, paragraph 1.