STATUTORY INSTRUMENTS

2024 No. 963

INSOLVENCY, ENGLAND AND WALES

The Insolvency Proceedings (Fees) (Amendment) Order 2024

Made - - - -	*17th September 2024*
Laid before Parliament	*19th September 2024*
Coming into force - -	*9th January 2025*

The Lord Chancellor, with the sanction of the Treasury, makes this Order in exercise of the powers conferred by sections 414 and 415 of the Insolvency Act 1986(**1**).

Citation, commencement and extent

1.—(1) This Order may be cited as the Insolvency Proceedings (Fees) (Amendment) Order 2024 and comes into force on 9th January 2025.

(2) This Order extends to England and Wales.

Amendment of the Insolvency Proceedings (Fees) Order 2016

2.—(1) The Insolvency Proceedings (Fees) Order 2016(**2**) is amended as follows.

(2) In article 2 (Interpretation), in the definition of "deposit", in paragraph (d) for "£5,000" substitute "£13,500".

(3) In Schedule 1 (Fees payable in insolvency proceedings) in the second column of the Table of Fees (amount of fee or applicable %)—

(a) in the entry next to "Bankruptcy – official receiver's administration fee following debtor's application", for "£1,990" substitute "£2,390";

(b) in the entry next to "Bankruptcy – official receiver's administration fee following creditor's petition", for "£2,775" substitute "£3,300";

(c) in the entry next to "Winding up by the court other than a winding up on a petition presented under section 124A – official receiver's administration fee", for "£5,000" substitute "£6,000";

(**1**) 1986 c. 45. Section 414 was amended by paragraph 23 of Schedule 3 to the Corporate Insolvency and Governance Act 2020 (c. 12) and S.I. 2007/2194; there are other amendments not relevant to this Order. Section 415 was amended by paragraph 9 of Schedule 20 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and paragraph 59 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

(**2**) S.I. 2016/692, to which there are amendments not relevant to this Order.

(d) in the entry next to “Winding up by the court on a petition presented under section 124A – official receiver’s administration fee”, for “£7,500” substitute “£13,500”;

(e) in the entry next to “Official receiver’s general fee”, for “£6,000” substitute “£7,200”.

Signed by the authority of the Lord Chancellor

Heidi Alexander
Minister of State
Ministry of Justice

17th September 2024

We concur

Jeff Smith
Anna Turley
Two of the Lords Commissioners of His Majesty's Treasury

11th September 2024

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Insolvency Proceedings (Fees) Order 2016 to increase certain fees charged in respect of insolvency proceedings in England and Wales under the Insolvency Act 1986.

Article 2(2) increases the deposit payable by the Secretary of State to the court (as security for the payment of the official receiver's administration fee) on the presentation of a winding-up petition on grounds of public interest. The deposit is increased from £5,000 to £13,500.

Article 2(3) increases the official receiver's administration fee payable to the Secretary of State following:

- A bankruptcy order made on a debtor's application (increased from £1,990 to £2,390);
- A bankruptcy order made on a creditor's petition (increased from £2,775 to £3,300);
- A winding-up order by the court, other than on the presentation of a winding-up petition on grounds of public interest (increased from £5,000 to £6,000); and
- A winding-up order by the court on the presentation of a winding-up petition on grounds of public interest (increased from £7,500 to £13,500).

Article 2(3) also increases the official receiver's general fee, payable to the Secretary of State following the making of a bankruptcy order or winding-up order by the court, for certain costs not recovered out of the official receiver's administration fee (increased from £6,000 to £7,200).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.