
STATUTORY INSTRUMENTS

1995 No. 586

INSOLVENCY

COMPANIES

INDIVIDUALS, ENGLAND AND WALES

The Insolvency (Amendment) Rules 1995

<i>Made</i>	- - - -	<i>6th March 1995</i>
<i>Laid before Parliament</i>		<i>8th March 1995</i>
<i>Coming into force</i>	- -	<i>1 April 1995</i>

The Lord Chancellor, in exercise of his powers under sections 411 and 412 of the Insolvency Act 1986(1), with the concurrence of the Secretary of State, and after consulting the committee existing for that purpose under section 413 of that Act, hereby makes the following Rules:—

Citation and commencement

1. These Rules may be cited as the Insolvency (Amendment) Rules 1995 and shall come into force on 1 April 1995.

Interpretation

2. In these Rules references to “the principal Rules” are to the Insolvency Rules 1986(2) and a Rule referred to by number means the Rule so numbered in the principal Rules.

Application

3.—(1) Subject to paragraph (2), the principal Rules shall have effect subject to the amendments set out in the Schedule to these Rules.

(2) The amendments to the principal Rules set out in the Schedule to these Rules shall not apply in relation to—

- (a) winding-up proceedings commenced before 1 April 1995, or
- (b) bankruptcy proceedings where the bankruptcy petition was presented before that day.

(1) 1986 c. 45.

(2) S.I.1986/1925, amended by S.I. 1987/1919, S.I. 1989/397, S.I. 1991/495 and S.I. 1993/602.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

6th March 1995

Mackay of Clashfern

I concur, on behalf of the Secretary of State

Department of Trade and Industry
6th March 1995

Jonathan Evans
Parliamentary Under-Secretary of State,

SCHEDULE

Rule 3

Amendment of Rule 4.218

1. For sub-paragraphs (c) and (d) of paragraph (1) of Rule 4.218 there shall be substituted the following:

“(c) the fees payable under any order made under section 414, including those payable to the official receiver (other than the fee referred to in sub-paragraph (d)(i) below), and any remuneration payable to him under general regulations;

- (i) (d) the fee payable under any order made under section 414 for the performance by the official receiver of his general duties as official receiver;
- (ii) any repayable deposit lodged under any such order as security for the fee mentioned in sub-paragraph (i);”.

Amendment of Rule 6.224

2. For sub-paragraphs (c) and (d) of paragraph (1) of Rule 6.224 there shall be substituted the following:

“(c) the fees payable under any order made under section 415, including those payable to the official receiver (other than the fee referred to in sub-paragraph (d)(i) below), and any remuneration payable to him under general regulations;

- (i) (d) the fee payable under any order made under section 415 for the performance by the official receiver of his general duties as official receiver;
- (ii) any repayable deposit lodged under any such order as security for the fee mentioned in sub-paragraph (i) (except where the deposit is applied to the payment of the remuneration of an insolvency practitioner appointed under section 273 (debtor’s petition));”.

EXPLANATORY NOTE

(This note does not form part of the Rules)

These Rules further amend the Insolvency Rules 1986, which set out detailed procedures for the conduct of all company and individual insolvency proceedings in England and Wales under the Insolvency Act 1986, with effect from 1 April 1995. The amendments alter the order of priority in which the expenses of a winding up by the court and a bankruptcy are payable. The fee payable (under any fees order made under sections 414 and 415 respectively of the Insolvency Act) for the performance by the official receiver of his general duties as official receiver, and the repayable deposit lodged as security for that fee, are moved in the order of priority of payment from immediately before to immediately after the payment of the other fees payable under any such fees order and the remuneration of the official receiver under general regulations.