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STATUTORY INSTRUMENTS

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**2016 No. 692**

**The Insolvency Proceedings (Fees) Order 2016**

**Deposit**

4.—(1) On the making of a bankruptcy application, the debtor will pay a deposit to the adjudicator as security for the payment of the official receiver's administration fee.

(2) On the presentation of a bankruptcy petition or a winding-up petition, the petitioner will pay a deposit to the court as security for the payment of the official receiver's administration fee.

(3) Where a deposit is paid to the court, the court will transmit the deposit paid to the official receiver attached to the court.

(4) The deposit will be used to discharge the official receiver's administration fee to the extent that the assets comprised in the estate of the bankrupt or, as the case may be, the assets of the company are insufficient to discharge the official receiver's administration fee.

(5) Where a bankruptcy order or a winding up order is made (including any case where a bankruptcy order or a winding up is subsequently annulled, rescinded or recalled), the deposit will be returned to the person who paid it save to the extent that the assets comprised in the estate of the bankrupt or, as the case may be, the assets of the company are insufficient to discharge the official receiver's administration fee.

(6) 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.

(7) 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.

(8) 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the refusal to make a bankruptcy order the deposit will be repaid to the debtor where the appeal is dismissed or withdrawn.

(9) Where—

- (a) a deposit was paid by the petitioner to the court, and
- (b) the petition is withdrawn or dismissed by the court

that deposit, less an administration fee of £50, will be repaid to the petitioner.