

SCHEDULE 1

Amendments to the Insolvency Rules 1986

New Rule after Rule 6.207

405. After Rule 6.207 insert-

“6.207A Applicant’s claim that remuneration is or expenses are excessive

(1) Where the trustee is other than the official receiver and application for annulment is made under section 282(1)(b), the applicant may also apply to the court for one or more of the orders in paragraph (4) on the ground that the remuneration charged or expenses incurred by the trustee is or are, in all the circumstances, excessive.

(2) Application under paragraph (1) must be made no later than 5 business days before the date fixed for the hearing of the application for annulment and be accompanied by a copy of any evidence which the applicant intends to adduce in support.

(3) The applicant under paragraph (1) must send a copy of the application and of any evidence accompanying it to the trustee at the same time that the application is made.

(4) If the court annuls the bankruptcy order under section 282(1)(b) and considers the application under paragraph (1) to be well-founded, it must also make one or more of the following orders—

- (a) an order reducing the amount of remuneration which the trustee was entitled to charge;
- (b) an order that some or all of the remuneration or expenses in question be treated as not being bankruptcy expenses;
- (c) an order that the trustee or the trustee’s personal representative pay to the applicant the amount of the excess of remuneration or expenses or such part of the excess as the court may specify;

and may make any other order that it thinks just.”.