The Insolvency Act 1986

### Administrator's progress report

Name of Company

HBCL Realisations Limited (formerly H Bronnley & Co Limited) (In Administration)

Company number

00046883

In the

High Court of Justice, Chancery Division, Companies Court

Court case number 10382/2011

[full name of court]

(a) Insert full name(s) and address(es) of administrator(s) I-/ We (a) I Best and D Frangou

Ernst & Young LLP, No 1 Colmore Square, Birmingham, B4 6HQ

administrator(s) of the above company attach a progress report for the period

from

to

(b) Insert date

(b) 29 May 2012

(b)

5 October 2012

Signed

Joint / Administrator(s)

Dated

27 November 2012

#### **Contact Details:**

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form. The contact information that you give will be visible to searchers of the public record.

Simon Roberts		
Ernst & Young LLP, No 1 Colmore Square, Birmingham, B4 6HQ		
Tel +44 (0) 121 535 2693		
DX Number	DX Exchange	

ien you have completed and signed this form please send it to the Registrar of Companies

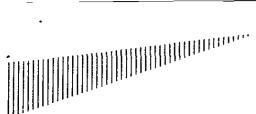
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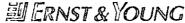


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Ernst & Young LLP No 1 Colmore Square Birmingham B4 6HO

Tel 0121 535 2000 Fax 0121 535 2001 www.ey.com/uk

TO ALL CREDITORS

27 November 2012

Ref BRO/IB/RM/SH/SR/24

Direct line +44 (0) 121 535 2693 Direct fax +44 (0) 121 535 2448

Simon Roberts

Dear Sirs

# HBCL Realisations Limited (formerly H. Bronnley & Co. Limited) (In Administration) ("the Company")

As you are aware, on 29 November 2011 the Company entered Administration and D Frangou and I were appointed as Joint Administrators Subsequently, on 14 December 2011 the business and certain assets of the Company were sold to H Bronnley & Co UK Limited (formerly Network Health and Beauty Limited)

Please find enclosed the report that was used to support our application to the High Court of Justice, Chancery Division, Companies Court ("the Court") to extend the Administration of the Company pursuant to Rule 2 2112 of the Insolvency Rules 1986 ("the Rules")

I can confirm that our application to extend the Administration for 18 months and to distribute the Prescribed Part in the Administration has been granted, effective from 29 November 2012

The enclosed report substitutes our next progress report to creditors for the six month period to 29 November 2012 As such, I will report to you again on the progress of the Administration in six months time

Should you have any questions please do not hesitate to contact my colleague, Simon Roberts, on the above direct line

Yours faithfully for the Company

l Best

Joint Administrator

Enc

Ian Best is licensed in the United Kingdom to act as an insolvency practitioner by The Institute of Chartered Accountants in England and Wales and Diana Frangou is licensed in the United Kingdom to act as an insolvency practitioner by The Association of Chartered Certified Accountants

The affairs business and properly of the Company are being managed by the Joint Administrators, I Best and D Frangou, who act as agents of the Company only and without personal liability

We may collect, use transfer, store or otherwise process (collectively, "Process") information that can be linked to specific individuals ("Personal Data"). We may Process Personal Data in various jurisdictions in accordance with applicable law and professional regulations including (without limitation) the Data Protection Act 1998.



INVESTOR IN PEOPLE

ne JK I im Einst & Young P is a imited liability pirtnership registered in England and Wales with registered number OC300001 and camember firm of Ernst & Young Global I mited A of members varies is aveilable for inspection at More London Place ndor SE12AF he films principal, ace of business and registered office.





Ernst & Young LLP No 1 Colmon Square Birmingham 84 6HQ

Tel 0121 535 2000 Fax 0121 535 2001 www.e.com/uk

TO ALL KNOWN CREDITORS

29 October 2012

Ref BRO/IB/SB/SH/SR/D16 1

Simon Roberts

Direct line 0121 535 2693 Direct fax 0121 535 2448

Dear Sirs

HBCL Realisations Limited (formerly H. Bronnley & Co. Limited) (In Administration) ("the Company")

High Court of Justice, Chancery Division, Companies Court, 10382/2011 Registered office address: c/o Ernst & Young LLP, No.1 Colmore Square, Birmingham, B4 6HO

Registered number: 00046883

The purpose of this report is to support an application to the High Court of Justice, Chancery Division, Companies Court ("the Court") to extend the Administration of the Company pursuant to Rule 2 112 of The Insolvency Rules 1986 ("the Rules")

I write also, in accordance with Rule 2 47 of the Rules, to provide creditors with an update on the progress of the Administration. This report covers the period from 29 May 2012 to 5 October 2012 and should be read in conjunction with the Joint Administrators' Statement of Proposals ("the Proposals") dated 20 January 2012 and the previous six month progress report to creditors dated 27 June 2012

The Company entered Administration on 29 November 2011 and I Best and D Frangou of Ernst & Young LLP, No 1 Colmore Square, Birmingham, B4 6HQ were appointed to act as Joint Administrators. The appointment was made by the Company's Directors under the provisions of paragraph 22(2) of Schedule B1 to the Insolvency Act 1986. Under the terms of the appointment, any act required or authorised to be done by the Joint Administrators can be done by either of them.

#### Summary of progress

Since our last report we have progressed the following key areas

- ► Continued to support HSBC Invoice Finance (UK) Limited ("HIF") in the collect out of the outstanding notified book debts. Notified book debt collections have increased by £21,087 since our previous report.
- ► Granted an extension to the licence to occupy the site at Bronnley Works, Radstone Road, Brackley ("the Property") to H Bronnley & Co UK Limited (formerly Network Health & Beauty Limited) ("the Purchaser") generating licence income of £22,500 to date,
- Marketed the Property for sale The marketing process has now completed and all offers are currently being reviewed in order to establish a preferred purchaser,
- Advanced outstanding trading matters, including the collection of a further £16,232 of Administration trading sales and the settlement of certain trading liabilities, and
- We have continued to perform our statutory and administrative duties



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Following our appointment the Company continued to trade in the Administration On 14 December 2011 the business and certain assets of the Company were sold to the Purchaser

Full details of the sale process and realisations achieved were provided in the Proposals and previous progress report to creditors

#### Assets subject to fixed charge

#### Notified book debts

The table below summarises the status of notified book debt collections as at 5 October 2012 as advised by HIF

Notified book debt ledger as at 29 November 2011	£1,115,227
Credit notes issued post appointment	£(4,595)
Collectable notified book debt	£1,110,632
Notified book debt collected to 5 October 2012	£(884,712)
Notified book debt outstanding as at 5 October 2012	£225,920
Total amount due to HIF on appointment (including interest and charges)	£685,926

Please note the notified book debt balance together with the amount due to HIF at the date of our appointment has increased compared to our last report by £100,218 and £9,926 respectively. This is based on the most up to date balance provided by HIF and is understood to be due largely to timing differences.

Of the £225,920 notified book debt balance outstanding, we understand £91,126 continues to be disputed or queried by the customer. This compares to our previously reported disputed balance of c £107,000.

As previously advised, HIF has been repaid in full (including post appointment interest and charges) and any surplus arising will fail due to the Bank under its Contract Monies Assignment

HIF have advised that transfers totalling £134,455 have been made to HSBC Bank plc ("the Bank") in accordance with the above payment structure

We continue to work closely with the Purchaser and HIF to ensure the recovered amounts are fully reconciled. Furthermore, we continue to assess the recoverability of the outstanding balance, more recently this has included responding to individual disputes and queries and requesting payment from all customers with an unpaid balance. As notified book debt collections continue to be finalised, we anticipate that there will be further distributions to the Bank in this regard.





#### **Property**

#### Licence to occupy

An extension to occupy the Property was granted to the Purchaser on 5 July 2012. The income generated in this regard totals £22,500 to date

#### Sale of the Property

Our agents GVA Grimley Limited ("GVA") were instructed to openly market the Property for sale on an 'as is' basis. The marketing process included advertising the Property, making contact with a significant number of agents, developers and speculators and erecting a 'For Sale' board on site

The marketing process has now concluded All offers received and interest expressed is currently being established and reviewed by GVA and we expect to receive a formal recommendation for a preferred purchaser shortly

Whilst I am unable to comment in detail on the initial offers we have received, I can confirm that the level of interest has been encouraging and that we have received offers on both a conditional and unconditional basis

#### Costs

The Property costs incurred in the period of £867 comprises of expenses relating to the marketing of the Property (£950) and statutory health & safety reporting fees (£417), net of a reimbursement with regards to initial ground works relating to the sale process (£500)

#### Assets subject to floating charge

#### Non notified book debt

The table below summarises collections in relation to non notified book debt balances

Non notified book debt as at 29 November 2011

£120,442

Non notified book debt collections as at 5 October 2012

(£107,252)

#### Non notified book debt outstanding as at 5 October 2012

£13,190

To date we have collected c 90% of the on appointment balance. Due to the disputes of which we have been notified, no further realisations are anticipated in this regard.

#### Trading account

Since our last report we have collected a further £16,232 against total Administration trading sales of c £265,000, bringing the total amount collected to date to £235,079. This represents a collection of c 89%. We continue to seek to recover the outstanding balance of c £30,000.

Trading expenses as at 5 October 2012 totalled £82,831, resulting in a trading profit to date of £152,248 Significant costs in the period include the settlement of royalties and commissions (£2,399) and costs associated with payroll administration and completing and submitting payroll returns (£6,761)

For the avoidance of doubt, the trading profit detailed above does not reflect future receipts or payments



We expect to complete all trading matters by the time of our next progress report

#### Retention of title

In respect of the retention of title ("ROT") claims received, we have made settlements totalling £7,041 (net) to date

There are two ROT claims outstanding, which will be concluded and settled shortly

#### Other matters

Since our last report we have received a provisional claim from the Pension Protection Fund ("PPF") totalling £4,614,000

#### Administrators' receipts and payments account

A receipts and payments account for the period from 29 November 2011 to 5 October 2012 is attached at Appendix 1 This does not reflect estimated future realisations or costs

The VAT element of supplies made to the Company in relation to the Property is irrecoverable and as such is a cost to the Company. The irrecoverable VAT expense incurred to date totals £3,223

#### Secured creditors

As commented, the balance due to HIF of £685,926 (including interest and charges) has been repaid in full

The Bank had an indebtedness on appointment totalling £4,104,422 in respect of both its fixed and floating charges. To date, distributions to the Bank in the Administration total £150,000. As mentioned previously in this report, additional distributions totalling £134,455 have been transferred by HIF in relation to surplus book debt realisations.

The total distribution available to the Bank in the Administration is highly dependent on achieving & said of the Property and the amount received. However, we currently anticipate that there will be insufficient realisations to allow the Bank to be repaid in full

As a result of the above, at this stage we do not anticipate there will be sufficient realisations to allow a distribution to Kaye Enterprises Limited ("KE") under its fixed and floating charges

#### Preferential creditors

As previously reported there are no preferential creditors in the Administration

#### Non preferential creditors

Due to the anticipated shortfall to the Company's secured creditors there will be no funds available for the non preferential creditors other than by virtue of the Prescribed Part

#### The Prescribed Part

The Prescribed Part is a proportion of floating charge assets set aside for unsecured non preferential creditors pursuant to section 176A of the Insolvency Act 1986. The Prescribed Part applies to floating charges created on or after 15 September 2003. The debenture held by the Bank was created on 4 September 2007 and as such the provisions of the Prescribed Part will apply



Until all trading matters have been completed the amount available to the Company's non preferential creditors by virtue of the Prescribed Part cannot be confirmed. However at this stage, the amount available is expected to be less than £65,000 (gross of Administrator's fees). The available balance has fallen compared to our previous report largely as a result of the reclassification of surplus notified book debt realisations from a floating charge realisation to a fixed charge realisation which has reduced the amount available to non preferential creditors.

#### Joint Administrators' remuneration and expenses

The Administrators' remuneration was fixed on a time cost basis following the deemed acceptance of the Proposals on 9 February 2012 The remuneration is subject to the approval of the Company's secured creditors

During the period covered by this report, the Administrators have charged remuneration and disbursements of £15,000 in respect of fixed charge time costs and £60,000 in respect of floating charge time costs, which has been drawn in full. An analysis of the time spent is attached as Appendix 2.

On 14 May 2012, payment of unpaid pre Administration costs totalling £16,820 was approved by the Company's secured creditors. This amount was subsequently paid in the reported period to 5 October 2012. No further fees will be drawn in respect of pre Administration costs.

At Appendix 3 there is a statement of the Administrators' policy in relation to charging time and disbursements

During the period covered by this report, the Administrators have incurred professional expenses totalling £5,437 and can be summarised as follows

Type of expense	Incurred by	Paid this period (net)	Total paid
Agents fees	GVA Grimley Limited	£2,740	£5,864
Legal fees - post appointment	Pinsent Mason LLP	£1,722	£23,743
Legal fees - pre appointment	Pinsent Mason LLP	£NII	£7,369
Legal fees - pre appointment	Eversheds LLP	£Nıl	£2,065
Category 1 & 2 disbursements	Ernst & Young LLP	£974	£3,386
Total		£5,437	£42,427

Pinsent Masons LLP time costs relate to professional services provided to the Company in relation to the extension to occupy the Property and advice with regards to the sale of the Property

GVA time costs principally relate to a condition appraisal and energy performance review of the Property

We anticipate further time costs and disbursements to be incurred by both our agents and legal advisors in the Administration, largely in relation to the Property Where appropriate we will look to settle and finalise such fees following the sale of the Property

We have incurred total expenses of £3,459, of which £3,386 has been billed and paid to date (£974 in the reported period). There is an analysis of Category 2 disbursements (i.e. those disbursements paid to the Joint Administrators' firm) at Appendix 2.



In certain circumstances, creditors are entitled to request further information regarding the Administrators' remuneration or expenses, or to apply to court on the grounds that the costs are considered to be excessive (Rules 2 48A and 2 109 of the Insolvency Rules 1986) Further information is provided at Appendix 4

#### Conclusion of the Administration

The Administration appointment is due to come to an end, by expiry of time, on 28 November 2012 However, there remain a number of issues that require resolution including

- Sale of the Property,
- ▶ Collection of all outstanding Administration trading sale balances,
- Provision of support to HIF in respect of notified book debt and collection thereof,
- ▶ Finalising all Administration trading liabilities, including ROT claims,
- Completion of the relevant statutory returns, including those in respect of corporation tax and VAT,
- Distribution to the secured creditors, and
- Distribution to non preferential creditors by virtue of the Prescribed Part

It is not anticipated that all the above matters will be resolved prior to the automatic conclusion of the Administration. As such, this report is to accompany an application to Court to extend the Administration for a further period of 18 months to enable all outstanding matters to be finalised appropriately

Furthermore, as part of our application we are also seeking the Court's permission to make a distribution in the Administration to the non preferential creditors of the Company by virtue of the Prescribed Part However, we may move the Company into Creditors' Voluntary Liquidation in order to make a distribution to the non preferential creditors if we consider this to be a more appropriate course of action



I will report to you again in six months time. Should you have any queries, please do not hesitate to contact my colleague, Simon Roberts, on the above direct line

Yours faithfully for the Company

I Best

Joint Administrator

Appendix 1	Joint Administrators' Abstract of Receipts and Payments
Appendix 2	Summary of Joint Administrators' Time Costs and Category

ests and Category 2 Disbursements

Joint Administrators' Policy on Fees and Disbursements Appendix 3

Appendix 4 Creditors' request for further information regarding an administrators' remuneration

Appendix 5 Form 2 24B Administrators' progress report

I Best is licensed in the United Kingdom to act as an insolvency practitioner by The Institute of Chartered Accountants in England and Wales and D Frangou is licensed in the United Kingdom to act as an insolvency practitioner by The Association of Chartered Certified Accountants

The affairs business and property of the Company are being managed by the Joint Administrators. I Best and D Frangou, who act as agents of the Company only and without personal liability

We may collect use transfer store or otherwise process (collectively "Process") information that can be linked to specific individuals ("Personal Data"). We may Process Personal Data in various jurisdictions in accordance with applicable law and professional regulations including (without limitation) the Data Protection Act 1998



# HBCL Realisations Limited (formerly H. Bronnley & Co. Limited) (In Administration)

## Joint Administrators' Abstract of Receipts and Payments from 29 November 2011 to 5 October 2012

Notes	Estimated to realise as per Directors Statement of Affairs	the period 29 Ne	payments for ovember 2011 o 28 May 2012	Receipts and g the period 29		the period 29 N	payments for ovember 2011 October 2012
		Fixed	Floating	Fixed	Floating	Fixed £	Floating
Receipts	£		i	L L	*	ž.	-
Freehold properly	2 500 000			-			
Property income	Ì	1		22 500	Ì	22 500	ì
Goodwill / intellectual property		200 000				200 000	
Notified book debts due to HIF 1	862 758	338		]		338	
Trading account			145 962		6 286		152 248
Non notified book debts	102 376		107 252				107 252
Plant and machinery	10 000 500 000	{	50 000 247 998	<b>\</b>	<b>,</b>	ļ	50 000 247 998
Inventory	500 000		247 996		2 030		2 0 3 0
Receipts due to the Purchaser* 2 Receipts received in error 3	ļ		542		2 030		610
Prepayments and other debtor realisations			19 330		00		19 330
Other realisations		6 931	14 280			6 931	14 280
VAT payable		1	(5 272)	ļ	2 175		(3 097)
	3 975 134	207 269	580 092	22 500	10 559	229 769	590 651
Payments							
Distribution to secured creditor		(100 000)	(50 000)	ļ	Į.	(100 000)	(50 000)
Joint Administrators fees and disbursements		(20 000)	(82 413)	(15 000)	(77 793)	(35 000)	(160 206)
Agents fees			(3 124)	(2 740)	1	(2 740)	(3 124)
Property costs				(867)	i i	(867)	
Legal fees			(22 020)		(1 722)		(23 743)
Insurance		(2 954)	l	3 384	1	430	
Pre appointment legal fees			(9 435)				(9 435)
Other sundry expenses Irrecoverable VAT			(722) (2 057)	(1 166)		(1 166)	(722) (2 057)
VAT receivable		(6 931)	(16 016)	6 931	14 739	(1 100)	(1 278)
A W 1 LECEIANDIG		(0.931)		0 \$31	14 135		
		(129 885)	(185 788)	(9 457)	(64 776)	(139 342)	(250 565)
Balances in hand		77 384	394 304	13 043	(54 218)	90 427	340 085

#### **Trading account**

	Receipts and payments for the period 29 November 2011 to 28 May 2012 £	Receipts and payments for the period 29 May 2012 to 5 October 2012 £	Receipts and payments for the period 29 November 2011 to 5 October 2012 £
Receipts			
Sales	218 847	16 232	235 079
	218 847	16 232	235 079
Payments			
Wages and related costs	(29 407)	1	(29 407)
Payroll costs	1	(6 761)	(6 761)
PAYE/NIC	(7 545)	(21)	(7 566)
ROT settlements	(7 041)	1 1	(7 041)
Subcontactors	(4 200)		(4 200) (11 018)
Camage costs Employee expenses	(11 018) (2 537)	1	(2 537)
Utilities and other property related costs	(7 120)	(214)	(7 334)
Sundry expenses	(2 610)	(550)	(3 160)
Royalties and commission	(2010)	(2 399)	(2 399)
Irrecoverable VAT	(1 408)		(1 408)
	(72 886)	(9 945)	(82,831)
Balances in hand	145 962	6 286	152 248

#### Notes

- 1 Receipts received in error and which will be transferred to HIF
- 2 Receipts received in error which have been transferred to the Purchaser
- 3 Receipts received in error to be refunded \*\*
- N.B. Receipts and payments are stated net of VAT



# HBCL Realisations Limited (formerly H. Bronnley & Co. Limited) (In Administration)

## Summary of Joint Administrators' Time-Costs and Category 2 Disbursements from 29 November 2011 to 5 October 2012

<u> </u>	<del> </del>	Hours					
Classification of work function	Partner / Director	Manager	Other senior professionals	Assistants & support	ſ	Total time costs (£)	Total average hourly rate (£)
Accounting & administration	12 50	26 00	47 40	100 10	186 10	34 698 50	186 45
Bank & statutory reporting	30 40	31 00	133 30	78 70	273 40	65 416 00	239 27
Creditors	5 90	5 00	29 20	56 20	96 30	16 688 00	173 29
Debtors	17 00	25 00	85 90	140 30	268 20	50 264 00	187 41
Employee matters	7 30	4 50	26 20	25 30	63 30	13 575 50	214 46
immediate tasks	0 90	-	6 00	9 50	16 40	2 728 00	166 34
Investigation/CDDA	0.80	0.50	6 40	33 00	40 70	5 966 00	146 58
Job acceptance & strategy	}	1	2 50	100	3 50	675 00	192 86
Legal issues		1 00,	1 30	1 00	3 30	742 50	225 00
Other assets	5 00	5 00	2 30	2 90	15 20	4 987 00	328 09
Other matters	19 00	3 00	11 60	3 50	37 10	12 470 00	336 12
Pre appointment	22 50		32 20	21 50	76 20	19 975 00	262 14
Property	53 80	43 00	10 70	6 00	113 50	43 010 50	378 95
Retention of title	14 20	1 00	86 90	167 90	270 00	44 135 00	163 46
Sale of business	31 50	95 50	50 20	_	177 20	62 185 00	350 93
Statutory duties	1 80	0 50	1 60	21 00	24 90	3 858 50	154 96
Trading	15 30	9 00	75 60	138 50	238 40	44 966 50	188 62
VAT & taxation	5 10	21 70	17 90	53 10	97 80	26 842 50	274 46
Total hours	243 10	271 70	627 20	859 50	2,001 50	453,183 50	226 42
Total time costs (£)	121 476 50	100,555 00	127 889 50	103 262 50			
Average hourly rate (£)	499.70	370 10	203.91	120 14			

Category 1 expenses (£)	579 22
Category 2 expenses (£)	2 879 72
Expenses total (£)	3,458 94

#### Charge out rates

Grade description	Job title	Rates (£) to 31 06 12	Rates (£) 01 07 2012 onwards
Partner/Director	Partner VAT	1065	1115
	Partner corporation tax	880	925
	Partner	545	570
	Director	445	470
Manager	Assistant director	390	410
	Manager	305	320
	Manager corporation tax	520	545
	Manager VAT	565	545
Other senior professionals	Executive	220	230
	Analyst 3	175	185
Assistants & support	Analyst 2	135	140
	Analyst 1	125	130
	Cashier	110	115
	Account co-ordinator	105	110
	Assistant corporation tax	60	70

#### **Category 2 Disbursements**

Of the disbursements of £3,386 invoiced and paid as recorded in the receipts and payments account at Appendix 1, £2,807 relates to Category 2 disbursements (as defined at Appendix 3) The types of Category 2 disbursements and their respective costs are detailed below

Type and purpose	£
Mileage	11p - 45p per mile
Stationery and supplies – circulars	2 8p per black and white impression, 7 031p per colour impression



# HBCL Realisations Limited (formerly H. Bronnley & Co. Limited) (In Administration)

#### Office Holders' Charging Policy for Fees

The secured creditors have determined that the Joint Administrators' remuneration should be fixed on the basis of time properly spent by the Joint Administrators and their staff in attending to matters arising in the Administration

The Joint Administrators have engaged a manager and other staff to work on the cases. The work required is delegated to the most appropriate level of staff taking account of the nature of the work and the individual's experience. Additional assistance is provided by accounting and treasury executives dealing with the Company's bank accounts and statutory compliance diaries. Work carried out by all staff is subject to the overall supervision of the Joint Administrators.

All time spent by staff working directly on case-related matters is charged to a separate time code established for each case. Each member of staff has a specific hourly rate, which is subject to change over time. The average hourly rate for each category of staff over the period is shown in Appendix 2, as are the current hourly rates used. The current hourly rates may be higher than the average rates, if hourly rates have increased over the period covered by this report.

#### Office Holders' Charging Policy for Disbursements

Statement of Insolvency Practice No 9 ("SIP 9") published by R3 (The Association of Business Recovery Professionals) divides disbursements into two categories

Category 1 disbursements comprise payments made by the office holders' firm, which comprise specific expenditure relating to the administration of the insolvent's affairs and referable to payment to an independent third party. These disbursements can be paid from the insolvent's assets without approval from the Committee. In line with SIP 9, it is our policy to disclose such disbursements drawn but not to seek approval for their payment.

Category 2 disbursements comprise payments made by the office holders' firm which include elements of shared or overhead costs. Such disbursements are subject to approval from the secured creditors as if they were remuneration. It is our policy, in line with SIP 9, to seek approval for this category of disbursement before they are drawn.

## Creditors' request for further information regarding an administrators' remuneration or expenses – Rule 2 48A, insolvency Rules 1986

- 1) If-
  - (a) within 21 days of receipt of a progress report under Rule 2 47-
    - (i) a secured creditor, or
    - (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
  - (b) with the permission of the court upon an application made within that period of 21 days, any unsecured creditor.

makes a request in writing to the administrator for further information about remuneration or expenses (other than pre-administration costs) set out in a statement required by Rule 2 47(1)(db) or (dc), the administrator must, within 14 days of receipt of the request, comply with paragraph (2)

- (2) The administrator complies with this paragraph by either-
  - (a) providing all of the information asked for, or
  - (b) so far as the administrator considers that-
    - (i) the time or cost of preparation of the information would be excessive, or
    - (ii) disclosure of the information would be prejudicial to the conduct of the administration or might reasonably be expected to lead to violence against any person, or
    - (iii) the administrator is subject to an obligation of confidentiality in respect of the information,

giving reasons for not providing all of the information

- (3) Any creditor, who need not be the same as the creditor who requested further information under paragraph (1), may apply to the court within 21 days of-
  - (a) the giving by the administrator of reasons for not providing all of the information asked for, or
  - (b) the expiry of the 14 days provided for in paragraph (1),
  - and the court may make such order as it thinks just
- (4) Without prejudice to the generality of paragraph (3), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 2 109(1B) by such further period as the court thinks just "

### Creditors' claim that remuneration is excessive – extract from Rule 2.109 of the insolvency Rules 1986

- "(1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4)
- (1A) Application may be made on the grounds that-
  - (a) the remuneration charged by the administrator,
  - (b) the basis fixed for the administrator's remuneration under Rule 2 106, or
  - (c) expenses incurred by the administrator,
  - is or are, in all the circumstances, excessive or, in the case of an application under subparagraph (b), inappropriate
- (1B) The application must, subject to any order of the court under Rule 2 48A(4), be made no later than 8 weeks after receipt by the applicant of the progress report which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report") "