

In accordance with  
Rule 18.7 of the  
Insolvency (England &  
Wales) Rules 2016 and  
Sections 92A, 104A and  
192 of the Insolvency  
Act 1986.

# LIQ03

## Notice of progress report in voluntary winding up




Companies House



<b>1</b>	<b>Company details</b>	
Company number	0 2 8 6 3 3 2 0	<b>→ Filling in this form</b> Please complete in typescript or in bold black capitals.
Company name in full	Datum Construction Limited	
<b>2</b>	<b>Liquidator's name</b>	
Full forename(s)	Kerry	
Surname	Bailey	
<b>3</b>	<b>Liquidator's address</b>	
Building name/number	3 Hardman Street	
Street	Spinningfields	
Post town	Manchester	
County/Region		
Postcode	M 3 3 A T	
Country		
<b>4</b>	<b>Liquidator's name ①</b>	
Full forename(s)	Edward	<b>① Other liquidator</b> Use this section to tell us about another liquidator.
Surname	Kerr	
<b>5</b>	<b>Liquidator's address ②</b>	
Building name/number	C/o BDO LLP, Regent House	<b>② Other liquidator</b> Use this section to tell us about another liquidator.
Street	Clinton Avenue	
Post town	Nottingham	
County/Region		
Postcode	N G 5 1 A Z	
Country		

# LIQ03

## Notice of progress report in voluntary winding up

<b>6</b>	<b>Period of progress report</b>											
From date	<sup>d</sup> 0	<sup>d</sup> 1	<sup>m</sup> 0	<sup>m</sup> 7	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 9				
To date	<sup>d</sup> 3	<sup>d</sup> 0	<sup>m</sup> 0	<sup>m</sup> 6	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0				
<b>7</b>	<b>Progress report</b>											
<input checked="" type="checkbox"/> The progress report is attached												
<b>8</b>	<b>Sign and date</b>											
Liquidator's signature	<div>Signature</div> <div>  </div>											
Signature date	<sup>d</sup> 2	<sup>d</sup> 4	<sup>m</sup> 0	<sup>m</sup> 8	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0				

LIQ03

Notice of progress report in voluntary winding up



**Presenter information**

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

Contact name **Kerry Bailey**

Company name **BDO LLP**

Address **5 Temple Square**

**Temple Street**

Post town **Liverpool**

County/Region

Postcode

**L 2 5 R H**

Country

DX

Telephone

**01512 374 500**



**Checklist**

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



**Important information**

All information on this form will appear on the public record.



**Where to send**

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.



**Further information**

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

**Datum Construction Limited**  
**(In Liquidation)**  
**Joint Liquidators' Trading Account**

Statement of Affairs £	From 01/07/2019 To 30/06/2020 £	From 01/07/2014 To 30/06/2020 £
POST APPOINTMET SALES		
Administrators' Applications	NIL	329.44
	NIL	329.44
PURCHASES		
Purchases (1)	NIL	10,399.00
	NIL	(10,399.00)
<b>TRADING SURPLUS/(DEFICIT)</b>	<b>NIL</b>	<b>(10,069.56)</b>

**Datum Construction Limited**  
**(In Liquidation)**  
**Joint Liquidators' Summary of Receipts & Payments**

Statement of Affairs £	From 01/07/2019 To 30/06/2020 £	From 01/07/2014 To 30/06/2020 £
<b>PROPERTY &amp; LAND</b>		
11C Brindley Road, Reginald Road Indu	NIL	171,250.00
Legal Fees & Disbursements	NIL	(3,312.00)
Natwest Bank Plc	NIL	(113,416.85)
	NIL	54,521.15
<b>ASSET REALISATIONS</b>		
Administration Surplus	NIL	27,471.64
Applications	NIL	3,978.60
Bank Interest Gross	107.08	423.80
CVA Unclaimed Dividends	NIL	175.04
Directors Loan Account	6,400.00	19,400.00
Furniture & Equipment	NIL	10,000.00
Insurance Refund	NIL	263.47
Rent	NIL	7,951.51
Shares and Investments	NIL	1,889.36
Suspense Account	NIL	133.81
Trading Surplus/(Deficit)	NIL	(10,069.56)
WIP	NIL	1,429.95
	6,507.08	63,047.62
<b>COST OF REALISATIONS</b>		
Bank Charges	NIL	29.76
Corporation Tax	NIL	960.55
Datum Const. & Maint. - Commission	NIL	1,966.22
Insurance of Assets	NIL	5,881.18
Joint Administrators' Fees	NIL	12,733.55
Joint Liquidators' Expenses	654.84	710.34
Joint Liquidators' Fees	20,000.00	49,500.00
Non-Reclaimable VAT	NIL	393.24
Professional Assistance	NIL	325.00
Stationery & Postage	NIL	369.31
Statutory Advertising	NIL	154.82
	(20,654.84)	(73,023.97)
<b>UNSECURED CREDITORS</b>		
Dividend of 3.54p in the £ paid on 17/8	NIL	20,000.00
	NIL	(20,000.00)
	(14,147.76)	24,544.80
<b>REPRESENTED BY</b>		
Bank 1 - Current		20,416.28
Unclaimed dividends		(224.07)
VAT Receivable		4,352.59
		24,544.80

**Note:**

On 8 November 2016 a dividend totalling £20,000 was paid to unsecured creditors at a rate of 3.54p in the £

**TO ALL KNOWN CREDITORS AND SHAREHOLDERS****24 August 2020**

Our Ref 00243819/C2/KB/TB

Please ask for: Teddy Blankson  
Direct dial: 0151 237 4421  
Email: [BRCMT@bdo.co.uk](mailto:BRCMT@bdo.co.uk)

Dear Madams/Sirs

**Datum Construction Limited - In Creditors' Voluntary Liquidation ('the Company')**  
**Registered number: 02863320**

I set out below an annual progress report in accordance with Section 104A of the Insolvency Act 1986 and Rule 18.4 of the Insolvency (England and Wales) Rules 2016 ('the Rules'). This report covers the period 1 July 2019 to 30 June 2020 ('the Period') and should be read in conjunction with previous reports circulated to creditors.

**Professional information regarding the Joint Liquidators**

The Joint Liquidators are Kerry Bailey (officeholder No: 8780) of BDO LLP, 3 Hardman Street, Spinningfields, Manchester M3 3AT and Edward Kerr (officeholder No: 9021) of BDO LLP, Regent House, Clinton Avenue, Nottingham, NG5 1AZ. The Joint Liquidators were appointed on 1 July 2014 and carry out their functions jointly and severally meaning any action can be done by one Liquidator or by both of them.

**Receipts and Payments**

I attach for your information a summary of my Receipts and Payments account, analysed to show activity in the last year compared to the whole of the Liquidation. The account shows a balance in hand of £24,545.

**Receipts**

The receipts shown are largely self-explanatory, although I would comment specifically on:

**Directors' Loan Accounts**

As previously reported, the last filed accounts for the Company showed outstanding Directors loan accounts in the sum of £42,535. The amounts due were disputed by the Directors and in light of the information available and the personal circumstances of the Directors, the Joint Liquidators have agreed separate repayment plans in full and final settlement of the amounts due from each Director.

A total of £19,400 has been received to date, £6,400 of which was received during the Period. The final instalments under the terms of the repayment plans have now been received after the end of the Period, and therefore the Directors' loan accounts have now been settled.

## **Payments**

The payments shown are self-explanatory, and the payments made in relation to the Joint Liquidators' remuneration are covered in further detail later in this report.

## **Progress of the Liquidation**

As detailed above the repayment plan in respect of the Directors' loan accounts has now been repaid in full. The Joint Liquidators will shortly commence the necessary steps to bring the Liquidation to a close, which will include paying a further dividend to unsecured creditors.

## **Assets**

There are no remaining assets in the Liquidation.

I can confirm that there are no assets of a peculiar or special nature which cannot be sold. Consequently there has been no distribution of unsold assets to creditors, as mentioned in Rules 18.10/14.13 of the Insolvency (England & Wales) Rules 2016.

## **Future Prospects for Creditors**

### **Secured Creditors**

There are no secured creditors in this matter.

### **Preferential Creditors**

All preferential creditors were paid in full in the preceding Administration.

### **Unsecured Creditors**

To date, unsecured creditor claims totalling £566,256 have been received. A dividend of £20,000 was paid to unsecured creditors at a rate of 3.54p in the £ on 8 November 2016. A further dividend payment of c 2.5p in the £ will shortly be made to the unsecured creditors.

### **Prescribed Part**

Under Section 176A of the Insolvency Act 1986 where after 15 September 2003 a company has granted a floating charge to a secured creditor, a proportion of the net property of that company must be made available purely for the unsecured creditors.

The Company has not granted a floating charge to any creditor after 15 September 2003 and consequently there will be no prescribed part in this Liquidation.

## **Investigations**

The Joint Liquidators have a duty to investigate the affairs of the Company and also the conduct of the directors and in respect of the latter, to submit a confidential statutory report to the Secretary of State. I confirm that a report has been submitted.

I have completed my review of the Company's affairs and assets to establish whether there are any actions that can be investigated for the benefit of the creditors and concluded there are no causes of action to be pursued.

## **Joint Liquidators' Remuneration**

Pursuant to the Rules, the Joint Liquidators are obliged to fix their remuneration in accordance with Rule 18.16. This permits remuneration to be fixed either:

- (1) as a percentage of the assets realised and distributed; and/or
- (2) by reference to the time the Joint Liquidators and the staff have spent attending to matters in the Liquidation; and/or
- (3) as a set amount; and/or
- (4) as a combination of the above.

The Joint Liquidators' remuneration has been approved on the basis of time properly spent in dealing with issues in the Liquidation. To date, the Joint Liquidators have drawn £49,500 in respect of remuneration, £20,000 of which was drawn during the Period, as shown on the enclosed Receipts and Payments account.

I attach two schedules detailing the time costs incurred to date. The first schedule covers the Period. This records time costs of £4,527 which represents 23 hours spent at an average charge out rate of £197 per hour.

The second schedule covers the whole period of appointment and records time costs of £64,492 which represents 306 hours spent at an average charge out rate of £211 per hour.

## **Detail of Work Undertaken**

The majority of work undertaken during the Period relates to reporting to creditors, finalising the directors' loan account and general administration in preparing the case for closure and paying a final dividend to unsecured creditors.

For guidance, I enclose a document that outlines the policy of BDO LLP in respect of fees and disbursements.

## **Joint Liquidators' Disbursements**

Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for these costs to be authorised. These are known as category 1 disbursements. Since my last report category 1 disbursements of £655 have been incurred in respect of storage of books and records.

Some Liquidators recharge expenses, for example printing, photocopying and telephone costs, which cannot economically be recorded in respect of each specific case. Such expenses, which are apportioned to cases, require the approval of the creditors before they can be drawn, and these are known as category 2 disbursements. The policy of BDO LLP in respect of this appointment is not to charge any category 2 disbursements with the exception of mileage on the basis of the mileage scale approved by HMRC, being 45p per mile unless otherwise disclosed to the creditors. No category 2 disbursements have accrued during the Period.

Total disbursements of £710 have been incurred and drawn in this Liquidation as detailed below, £655 of which was drawn during the Period.

Narrative	Cat. 1 (£)	Cat. 2 (£)	Total (£)
Statutory Bonding	52.50	-	52.50
Land Registry Fees	3.00	-	3.00
Storage	654.84	-	654.84
<b>Total</b>	<b>710.34</b>	<b>-</b>	<b>710.34</b>

### Creditors' rights

I provide at the end of this report an extract from the Rules setting out the rights of creditors to request further information and/or challenge the remuneration or expenses within the Liquidation. Creditors may access information setting out creditors' rights in respect of the approval of the Joint Liquidators' remuneration at <https://www.bdo.co.uk/en-gb/insights/advisory/business-restructuring/creditors-guides>.

The Insolvency Service has established a central gateway for considering complaints in respect of Insolvency practitioners. In the event that you make a complaint to me but are not satisfied with the response from me then you should visit <https://www.gov.uk/complain-about-insolvency-practitioner> where you will find further information on how you may pursue the complaint.

The Joint Liquidators are bound by the Insolvency Code of Ethics when carrying out all professional work relating to this appointment. A copy of the code can be found at: <https://www.icaew.com/technical/ethics/icaew-code-of-ethics/icaew-code-of-ethics>.

If you require any further information please contact me or my colleague Teddy Blankson at [BRCMT@bdo.co.uk](mailto:BRCMT@bdo.co.uk).

Yours faithfully  
for and on behalf of  
Datum Construction Limited



Kerry Bailey  
Joint Liquidator  
Authorised by the Institute of Chartered Accountants in England & Wales in the UK

### Enclosures

Receipts and Payments Account  
SIP 9 Time Cost Report for the Period  
SIP 9 Time Cost Report for the Period of Liquidation  
BDO LLP Policy in Respect of Fees and Disbursements  
Statement of Creditors' Rights in respect of Fees and Disbursements

**Datum Construction Limited**  
**(In Liquidation)**  
**Joint Liquidators' Trading Account**

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POST APPOINTMET SALES		
Administrators' Applications	NIL	329.44
	NIL	329.44
PURCHASES		
Purchases (1)	NIL	10,399.00
	NIL	(10,399.00)
<b>TRADING SURPLUS/(DEFICIT)</b>	<b>NIL</b>	<b>(10,069.56)</b>

**Datum Construction Limited**  
**(In Liquidation)**  
**Joint Liquidators' Summary of Receipts & Payments**

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Natwest Bank Plc	NIL	(113,416.85)
	<u>NIL</u>	<u>54,521.15</u>
<b>ASSET REALISATIONS</b>		
Administration Surplus	NIL	27,471.64
Applications	NIL	3,978.60
Bank Interest Gross	107.08	423.80
CVA Unclaimed Dividends	NIL	175.04
Directors Loan Account	6,400.00	19,400.00
Furniture & Equipment	NIL	10,000.00
Insurance Refund	NIL	263.47
Rent	NIL	7,951.51
Shares and Investments	NIL	1,889.36
Suspense Account	NIL	133.81
Trading Surplus/(Deficit)	NIL	(10,069.56)
WIP	NIL	1,429.95
	<u>6,507.08</u>	<u>63,047.62</u>
<b>COST OF REALISATIONS</b>		
Bank Charges	NIL	29.76
Corporation Tax	NIL	960.55
Datum Const. & Maint. - Commission	NIL	1,966.22
Insurance of Assets	NIL	5,881.18
Joint Administrators' Fees	NIL	12,733.55
Joint Liquidators' Expenses	654.84	710.34
Joint Liquidators' Fees	20,000.00	49,500.00
Non-Reclaimable VAT	NIL	393.24
Professional Assistance	NIL	325.00
Stationery & Postage	NIL	369.31
Statutory Advertising	NIL	154.82
	<u>(20,654.84)</u>	<u>(73,023.97)</u>
<b>UNSECURED CREDITORS</b>		
Dividend of 3.54p in the £ paid on 17/8	NIL	20,000.00
	<u>NIL</u>	<u>(20,000.00)</u>
	<u>(14,147.76)</u>	<u>24,544.80</u>
<b>REPRESENTED BY</b>		
Bank 1 - Current		20,416.28
Unclaimed dividends		(224.07)
VAT Receivable		4,352.59
		<u>24,544.80</u>

**Note:**

On 8 November 2016 a dividend totalling £20,000 was paid to unsecured creditors at a rate of 3.54p in the £

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the Period From 01/07/2019 to 30/06/2020

MANAGER	ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV R1
Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	£
£		£		£		£		£		£	
0 931.10			2.20	96.80	9.10	883.40	0.10	11.60	1.10	603.90	549.0
5 654.70									14.90	1,922.90	129.0
0 702.00	1.50	196.50			0.50	35.50			1.85	654.70	353.8
									4.75	1,345.75	283.3
5 2,287.80	1.50	196.50	2.20	96.80	9.60	918.90	0.10	11.60			

Net Total

Secretarial Expense

Other Disbursements

Billed

Grand Total

22.60	4,527.25
	0.00
	0.00
	0.00
	4,527.25

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the Period From 01/07/2014 to 30/06/2020

MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
										0.75	399.75
										2.35	1,270.15
	0.00									3.10	1,669.90
0.10	23.50									0.10	23.50
3.40	799.00	1.10	233.20							4.50	1,032.20
0.55	187.55									1.00	427.40
4.05	1,010.05	1.10	233.20							5.60	1,483.10
2.70	564.90					0.10	5.40			2.80	570.30
0.40	89.60					0.40	68.80			0.80	158.40
24.40	7,100.60	1.80	377.10			9.65	1,257.90			35.85	8,735.60
1.40	284.20									1.40	284.20
3.65	775.20	0.40	57.70	6.60	928.85	32.75	2,942.75	4.75	348.55	48.45	5,201.85
1.40	298.90									1.40	298.90

Limited - C

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the Period From 01/07/2014 to 30/06/2020

MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
4.80	1,003.80					0.70	46.90			5.50	1,050.70
0.70	206.50									0.70	206.50
35.60	8,375.55	2.15	450.30	0.85	102.45	15.75	1,798.50			54.85	10,981.20
0.20	47.00	0.30	37.20							0.50	84.20
<b>75.25</b>	<b>18,746.25</b>	<b>4.65</b>	<b>922.30</b>	<b>7.45</b>	<b>1,031.30</b>	<b>59.35</b>	<b>6,120.25</b>	<b>4.75</b>	<b>348.55</b>	<b>152.25</b>	<b>27,571.85</b>
1.00	203.00									1.00	203.00
13.35	2,859.20	0.35	74.20							13.70	2,933.40
23.10	6,039.40	6.85	1,452.20							29.95	7,491.60
0.35	84.70									0.35	84.70
5.10	1,035.30									5.10	1,035.30
		0.40	82.80							0.40	82.80
<b>42.90</b>	<b>10,221.60</b>	<b>7.60</b>	<b>1,609.20</b>							<b>50.50</b>	<b>11,830.80</b>
0.55	119.35									0.55	119.35

Limited - C

00243819

the Period From 01/07/2014 to 30/06/2020

MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
1.70	346.10					0.40	52.40	0.10	10.40	2.20	408.90
1.15	251.00					0.20	26.20			1.35	277.20
						0.10	17.20			0.10	17.20
3.40	716.45					0.70	95.80	0.10	10.40	4.20	822.65
0.65	145.60									0.65	145.60
21.00	4,757.05	2.50	517.50			1.00	138.00			26.50	6,430.55
21.65	4,902.65	2.50	517.50			1.00	138.00			27.15	6,576.15
3.40	1,110.00	2.70	348.90			6.85	523.55			13.20	2,115.70
25.85	5,628.70	6.25	1,293.75			1.40	217.00			36.25	8,617.20
										1.25	576.25
										1.35	627.15
29.25	6,738.70	8.95	1,642.65			8.25	740.55			52.05	11,936.30

Limited - C

00243819

the Period From 01/07/2014 to 30/06/2020

MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
11.60	2,601.40									11.60	2,601.40
11.60	2,601.40									11.60	2,601.40

Net Total

64,492.15

Secretarial Expense

0.00

Other Disbursements

0.00

Billed

0.00

Grand Total

64,492.15



## Datum Construction Limited - In Liquidation

In accordance with best practice I provide below details of policies of BDO LLP in respect of fees and expenses for work in relation to the above insolvency.

The current charge out rates per hour of staff within my firm who may be involved in working on the insolvency, follows:

GRADE	£
Partner	549
Manager	242-380
Assistant Manager	218
Senior Administrator	206
Administrator	119-185
Other Staff	73-77

This in no way implies that staff at all such grades will work on the case. The rates charged by BDO LLP are reviewed on a regular basis and are adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. Units of time can be as small as 3 minutes. BDO LLP records work in respect of insolvency work under the following categories:-

- Pre Appointment
- Steps upon Appointment
- Planning and Strategy
- General Administration
- Asset Realisation/Management
- Trading Related Matters
- Employee Matters
- Creditor Claims
- Reporting
- Distribution and Closure
- Other Issues.

Under each of the above categories the work is recorded in greater detail in sub categories. Please note that the 11 categories provide greater detail than the six categories recommended by the Recognised Professional Bodies who are responsible for licensing and monitoring insolvency practitioners.

Where an officeholder's remuneration is approved on a time cost basis the time invoiced to the case will be subject to VAT at the prevailing rate.

Where remuneration has been approved on a time costs basis a periodic report will be provided to any committee appointed by the creditors or in the absence of a committee to the creditors. The report will provide a breakdown of the remuneration drawn and will enable the recipients to see the average rates of such costs.

### 1) Other Costs

Where expenses are incurred in respect of the insolvent estate they will be recharged. Such expenses can be divided into two categories.

**2) Category 1**

This heading covers expenses where BDO LLP has met a specific cost in respect of the insolvent estate where payment has been made to a third party. Such expenses may include items such as advertising, couriers, travel (by public transport), land registry searches, fees in respect of swearing legal documents etc. In each case the recharge will be reimbursement of a specific expense incurred.

**3) Category 2**

We propose to recover from the estate the cost of travel where staff use either their own vehicles or company cars in travelling connected with the insolvency. In these cases a charge of 45p per mile is raised which is in line with the HM Revenue & Customs Approved Mileage Rates (median - less than 10,000 miles per annum) which is the amount the firm pays to staff. Where costs are incurred in respect of mileage, approval will be sought in accordance with the Insolvency (England and Wales) Rules 2016 to recover this disbursement.

Where applicable, all disbursements will be subject to VAT at the prevailing rate.

BDO LLP  
August 2020

## **Statement from the Insolvency (England and Wales) Rules 2016 regarding the rights of creditors in respect of the Joint Liquidators' fees and expenses:**

### **Creditors' and members' requests for further information in administration, winding up and bankruptcy**

**18.9.**—(1) The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14—

- (a) a secured creditor;
  - (b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
  - (c) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;
  - (d) any unsecured creditor with the permission of the court; or
  - (e) any member of the company in a members' voluntary winding up with the permission of the court.
- (2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.
- (3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—
- (a) providing all of the information requested;
  - (b) providing some of the information requested; or
  - (c) declining to provide the information requested.
- (4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—
- (a) the time or cost of preparation of the information would be excessive; or
  - (b) disclosure of the information would be prejudicial to the conduct of the proceedings;
  - (c) disclosure of the information might reasonably be expected to lead to violence against any person; or
  - (d) the office-holder is subject to an obligation of confidentiality in relation to the information.
- (5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.
- (6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—
- (a) the office-holder giving reasons for not providing all of the information requested; or
  - (b) the expiry of the 14 days within which an office-holder must respond to a request.
- (7) The court may make such order as it thinks just on an application under paragraph (6).

### **Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive**

**18.34.**—(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

- (a) the remuneration charged by the office-holder is in all the circumstances excessive;
  - (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
  - (c) the expenses incurred by the office-holder are in all the circumstances excessive.
- (2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—
- (a) a secured creditor,
  - (b) an unsecured creditor with either—
    - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
    - (ii) the permission of the court, or
  - (c) in a members' voluntary winding up—
    - (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or
    - (ii) a member of the company with the permission of the court.

- (3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ('the relevant report').

**Applications under rules 18.34 and 18.35 where the court has given permission for the application**

**18.36.**—(1) This rule applies to applications made with permission under rules 18.34 and 18.35.

- (2) Where the court has given permission, it must fix a venue for the application to be heard.
- (3) The applicant must, at least 14 days before the hearing, deliver to the office-holder a notice stating the venue and accompanied by a copy of the application and of any evidence on which the applicant intends to rely.
- (4) If the court considers the application to be well-founded, it must make one or more of the following orders—
- (a) an order reducing the amount of remuneration which the office-holder is entitled to charge;
  - (b) an order reducing any fixed rate or amount;
  - (c) an order changing the basis of remuneration;
  - (d) an order that some or all of the remuneration or expenses in question is not to be treated as expenses of the administration, winding up or bankruptcy;
  - (e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —
    - (i) the administrator or Liquidator or the administrator's or Liquidator's personal representative to the company, or
    - (ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;
  - (f) any other order that it thinks just.
- (5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.
- (6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration, winding up or bankruptcy.

**Applications under rule 18.34 where the court's permission is not required for the application**

**18.37.**—(1) On receipt of an application under rule 18.34 for which the court's permission is not required, the court may, if it is satisfied that no sufficient cause is shown for the application, dismiss it without giving notice to any party other than the applicant.

- (2) Unless the application is dismissed, the court must fix a venue for it to be heard.
- (3) The applicant must, at least 14 days before any hearing, deliver to the office-holder a notice stating the venue with a copy of the application and of any evidence on which the applicant intends to rely.
- (4) If the court considers the application to be well-founded, it must make one or more of the following orders—
- (a) an order reducing the amount of remuneration which the office-holder is entitled to charge;
  - (b) an order reducing any fixed rate or amount;
  - (c) an order changing the basis of remuneration;
  - (d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration or winding up or bankruptcy;
  - (e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —
    - (i) the administrator or Liquidator or the administrator's or Liquidator's personal representative to the company, or
    - (ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;
  - (f) any other order that it thinks just.
- (5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.
- (6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration or as winding up or bankruptcy.