

LIQ03

Notice of progress report in voluntary winding up



Companies House

For further information, please
refer to our guidance at
www.gov.uk/companieshouse

1	Company details	
Company number	0 2 8 6 3 3 2 0	→ Filling in this form Please complete in typescript or in bold black capitals.
Company name in full	Datum Construction Limited	
2	Liquidator's name	
Full forename(s)	Kerry	
Surname	Bailey	
3	Liquidator's address	
Building name/number	3 Hardman Street	
Street	Spinningfields	
Post town	Manchester	
County/Region		
Postcode	M 3 3 A T	
Country		
4	Liquidator's name ①	
Full forename(s)	Lee	① Other liquidator Use this section to tell us about another liquidator.
Surname	Causer	
5	Liquidator's address ②	
Building name/number	Two Snowhill	② Other liquidator Use this section to tell us about another liquidator.
Street		
Post town	Birmingham	
County/Region		
Postcode	B 4 6 G A	
Country		

LIQ03

Notice of progress report in voluntary winding up

6 Period of progress report

From date	^d 0	^d 1	^m 0	^m 7	^y 2	^y 0	^y 2	^y 0
To date	^d 3	^d 0	^m 0	^m 6	^y 2	^y 0	^y 2	^y 1

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 1	^d 2	^m 0	^m 8	^y 2	^y 0	^y 2	^y 1
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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 or email 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

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

Statement of Affairs £	From 01/07/2020 To 30/06/2021 £	From 01/07/2014 To 30/06/2021 £
POST APPOINTMET SALES		
Administrators' Applications	NIL	329.44
	NIL	329.44
PURCHASES		
Purchases (1)	NIL	10,399.00
	NIL	(10,399.00)
TRADING SURPLUS/(DEFICIT)	NIL	(10,069.56)

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

Statement of Affairs £	From 01/07/2020 To 30/06/2021 £	From 01/07/2014 To 30/06/2021 £
PROPERTY & LAND		
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
ASSET REALISATIONS		
Administration Surplus	NIL	27,471.64
Applications	NIL	3,978.60
Bank Interest Gross	2.84	426.64
CVA Unclaimed Dividends	NIL	175.04
Directors Loan Account	968.00	20,368.00
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
	970.84	64,018.46
COST OF REALISATIONS		
Bank Charges	NIL	29.76
Corporation Tax	33.25	993.80
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	NIL	710.34
Joint Liquidators' Fees	NIL	49,500.00
Non-Reclaimable VAT	NIL	393.24
Professional Assistance	NIL	325.00
Stationery & Postage	NIL	369.31
Statutory Advertising	NIL	154.82
	(33.25)	(73,057.22)
UNSECURED CREDITORS		
Dividend of 2.35p in the £	14,125.00	14,125.00
Dividend of 3.54p in the £ paid on 17/8	NIL	20,000.00
	(14,125.00)	(34,125.00)
	(13,187.41)	11,357.39
REPRESENTED BY		
Bank 1 - Current		7,228.87
Unclaimed dividends		(224.07)
VAT Receivable		4,352.59
		11,357.39

Note:

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

On 4 January 2021 a second and final dividend totalling £14,125 was paid to unsecured creditors at a rate of 2.35p in the £.

TO ALL CREDITORS AND MEMBERS

12 August 2021

Our Ref 00243819/C2/KB/TB

Please ask for: Teddy Blankson
Direct dial: 0151 237 4421
Email: BRCMTNorthandScotland@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 Rules 18.3 and 18.7 of the Insolvency (England and Wales) Rules 2016 ('the Rules'). This report covers the period from 1 July 2020 to 30 June 2021 ('the Period') and should be read in conjunction with previous reports.

Professional Information Regarding the Joint Liquidators

The Liquidation commenced on 1 July 2014.

The Joint Liquidators are Kerry Bailey (officeholder No: 8780) of BDO LLP, 3 Hardman Street, Spinningfields, Manchester M3 3AT and Lee Causer (officeholder No: 14112) of BDO LLP, Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA. The Joint Liquidators carry out their functions jointly and severally meaning any action can be done by one Liquidator or by both of them.

Please note Edward Kerr passed away on 13 November 2020. Lee Causer of BDO LLP, Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA was appointed as Joint Liquidator in place of Edward Kerr by Court Order on 7 May 2021.

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 £11,357.

The Receipts and Payments shown are largely self-explanatory, although I would comment specifically on:

Directors Loan Account

A further £968 has been received during the Period.

Progress of the Liquidation

A second and final distribution to the unsecured creditors was made in the Period. This distribution is referred to later in this report. Creditors have been given time to bank the dividend cheques and a letter has been sent asking for any unbanked cheques to be banked by 6 August 2021. The remaining unbanked cheques will now be paid over to the Insolvency Services' unclaimed dividends account.

The Joint Liquidators are now taking the necessary steps to bring the Liquidation to a close. The current funds in hand will be utilised to pay closing costs, corporation tax should there be a liability, and the outstanding Liquidators' final fees and disbursements.

Assets

There are no assets remaining to be realised 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 Rules.

Future ProspectsSecured Creditors

There are no secured creditors in this matter.

Preferential Creditors

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

Unsecured Creditors

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 second and final dividend payment of £14,125 was paid to the unsecured creditors at a rate of 2.35p in the £ during the Period.

Prescribed Part

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

The Company has not granted a floating charge to any creditor after the 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.

We have completed our 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 creditors have approved the Joint Liquidators' remuneration 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 as shown on the enclosed Receipts and Payments account.

BDO LLP changed time recording systems with effect from 17 April 2021.

I therefore attach detailed reports of the time incurred by the Joint Liquidators for the periods:

- 1 July 2020 to 16 April 2021
- 1 July 2014 to 16 April 2021
- 17 April 2021 to 30 June 2021

The first and third reports cover the Period. The second and third reports cover the whole period of appointment.

Time costs to date of £77,429 have been incurred over 381 hours at an average rate of £203 per hour. During the Period, time costs of £12,937 were incurred over 75 hours at an average rate of £172.

Detail of Work Undertaken

The work undertaken during the Period relates to making a 2nd and final distribution to unsecured creditors and preparing the case for closure.

Work has been completed in respect of the preparation of reports to creditors regarding the progress achieved, including preparation of receipts and payments accounts, a suitable analysis of time costs accrued and a review of actual costs and accrued costs against fees drawn.

This is a statutory requirement and ensures that the creditors are kept up to date with case developments.

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

Joint Liquidators' Expenses

Expenses have been incurred and paid in this Liquidation as detailed below.

Expenses	Incurring in Period £	Incurring cumulatively £	Paid in the Period £	Paid cumulatively £
Category 1				
Bank Charges	-	29.76	-	29.76
Corporation Tax	33.25	993.80	33.25	993.80
Datum Const. & Maint. - Commission	-	1,966.22	-	1,966.22
Insurance of Assets	-	5,881.18	-	5,881.18
*Statutory Bonding	-	52.50	-	52.50
*Land Registry Fees	-	3.00	-	3.00
*Storage Costs	-	654.84	-	654.84
Stationery & Printing	75.36	444.67	-	369.31
Statutory Advertising	-	154.82	-	154.82
Category 2				
Mileage	-	-	-	-

*included within Joint Liquidators' Expenses on the attached receipts and payments account.

The expenses shown are self-explanatory. Stationery and Printing costs of £75.36 have been incurred during the Period but not yet paid.

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.

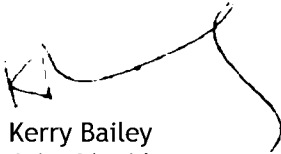
Creditors may access information setting out creditors' rights in respect of the approval of the Joint Liquidators' remuneration and on the rights, duties and functions of a liquidation committee at <https://www.bdo.co.uk/en-gb/insights/advisory/business-restructuring/creditors-guides>.

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>.

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.

If you require any further information please contact me or my colleague Teddy Blankson at BRCMTNorthandScotland@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 (1 July 2020 to 16 April 2021)
SIP 9 Time Cost Report (1 July 2014 to 16 April 2021)
SIP 9 Time Cost Report (17 April 2021 to 30 June 2021)
BDO LLP Policy in Respect of Fees and Disbursements
Statement of Creditors' Rights in respect of Fees and Disbursements

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	NIL	(10,399.00)
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Name of Assignment Datum Construction Limited - C 00243819

Summary of Time Charged and Rates Applicable for the Period From 01/07/2020 to 16/04/2021

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV R1		
	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total			
	£	£	£	£	£	£	£	£	£	£	£	£	£	£			
C. Planning and Strategy	0.90	531.90											0.90	531.90	591.0		
D. General Administration			5.35	1,561.50	0.35	52.85	1.35	87.00	13.45	1,145.90	4.40	300.70	24.90	3,147.95	126.4		
H. Creditor Claims			1.65	443.80					14.30	1,090.90			15.95	1,534.70	96.2		
I. Reporting	2.05	1,125.45	0.30	74.10	1.15	150.65			3.55	252.05			7.05	1,602.25	227.2		
J. Distribution and Closure	0.55	325.05	8.15	3,161.50					3.65	345.00			12.35	3,831.55	310.2		
3.50		1,982.40	15.45		5,240.90	1.50		203.50	1.35		87.00	34.95		2,833.85	4.40		300.70
Net Total														61.15	10,648.35		
Secretarial Expense															0.00		
Other Disbursements															0.00		
Billed															0.00		
Grand Total														61.15	10,648.35		

Name of Assignment Datum Construction Limited - C 00243819

Detail of Time Charged and Rates Applicable for the Period From 01/07/2014 to 16/04/2021

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
B. Steps on Appointment														
04. Meet Directors/Debtors etc.	0.75	399.75											0.75	399.75
08. Detail Documentation Review	2.35	1,270.15											2.35	1,270.15
sub total - B. Steps on Appointment	3.10	1,669.90		0.00									3.10	1,669.90
C. Planning and Strategy														
01. Historic Performance Review	0.90	531.90											0.90	531.90
02. Review Financial Position			0.10	23.50									0.10	23.50
03. Review Bus. Process/Systems			3.40	799.00	1.10	233.20							4.50	1,032.20
07. Strategy Planning	0.45	239.85	0.55	187.55									1.00	427.40
sub total - C. Planning and Strategy	1.35	771.75	4.05	1,010.05	1.10	233.20							6.50	2,015.00
D. General Administration														
01. Insurance Matters			2.70	564.90					0.10	5.40			2.80	570.30
02. VAT			0.40	89.60					0.40	68.80			0.80	158.40
03. Taxation			27.75	8,248.20	1.80	377.10			9.65	1,257.90			39.20	9,883.20
04. Instruct/Liase Solicitors			1.40	284.20									1.40	284.20
07. Receipts/Payments Accounts	0.30	148.80	4.60	898.00	0.40	57.70	7.95	1,015.85	38.35	3,323.20	4.80	354.35	56.40	5,797.90

Name of Assignment Datum Construction Limited - C 00243819

Detail of Time Charged and Rates Applicable for the Period From 01/07/2014 to 16/04/2021

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
08. Remuneration Issues			1.40	298.90									1.40	298.90
09. Statutory Matters			4.80	1,003.80	0.25	37.75			0.70	46.90			5.75	1,088.45
14. General Discussions			0.70	206.50									0.70	206.50
15. Gen. Admin/Correspondence	0.50	254.40	36.65	8,666.65	2.25	465.40	0.85	102.45	23.60	2,563.95	4.35	294.90	68.20	12,347.75
16. Maintain Internal Files			0.20	47.00	0.30	37.20							0.50	84.20
sub total - D. General Administration	0.80	403.20	80.60	20,307.75	5.00	975.15	8.80	1,118.30	72.80	7,266.15	9.15	649.25	177.15	30,719.80
E. Assets Realisation/Dealing														
06. Property Related Matters			1.00	203.00									1.00	203.00
07. Debt Collection			13.35	2,859.20	0.35	74.20							13.70	2,933.40
09. Dealing with other Assets			23.10	6,039.40	6.85	1,452.20							29.95	7,491.60
10. HP/Leasing Matters			0.35	84.70									0.35	84.70
14. Sale of Business/Assets			5.10	1,035.30									5.10	1,035.30
99. Other Matters					0.40	82.80							0.40	82.80
sub total - E. Assets Realisation/Dealing			42.90	10,221.60	7.60	1,609.20							50.50	11,830.80

Name of Assignment Datum Construction Limited - C 00243819

Detail of Time Charged and Rates Applicable for the Period From 01/07/2014 to 16/04/2021

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
G. Employee Matters														
02. Dealing with Employees			0.55	119.35									0.55	119.35
03. EPA Matters			1.70	346.10					0.40	52.40	0.10	10.40	2.20	408.90
04. Pension Issues			1.15	251.00					0.20	26.20			1.35	277.20
99. Other Matters									0.10	17.20			0.10	17.20
sub total - G. Employee Matters			3.40	716.45					0.70	95.80	0.10	10.40	4.20	822.65
H. Creditor Claims														
03. Preferential Creditors			0.65	145.60									0.65	145.60
04. Non-Preferential Creditors	2.00	1,018.00	22.65	5,200.85	2.50	517.50			15.30	1,228.90			42.45	7,965.25
sub total - H. Creditor Claims	2.00	1,018.00	23.30	5,346.45	2.50	517.50			15.30	1,228.90			43.10	8,110.85
I. Reporting														
01. Statutory Reporting	0.25	133.25	3.70	1,184.10	3.85	499.55			10.40	775.60			18.20	2,592.50
04. Reporting to Creditors	4.80	2,603.20	25.85	5,628.70	6.25	1,293.75			1.40	217.00			38.30	9,742.65
06. Reporting to other bodies	1.25	576.25											1.25	576.25
99. Other Matters	1.35	627.15											1.35	627.15

Name of Assignment Datum Construction Limited - C 00243819

Detail of Time Charged and Rates Applicable for the Period From 01/07/2014 to 16/04/2021

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
sub total - I. Reporting	7.65	3,939.85	29.55	6,812.80	10.10	1,793.30			11.80	992.60			59.10	13,538.55
J. Distribution and Closure														
01. Closure Planning	0.55	325.05											0.55	325.05
02. Distributions			19.75	5,762.90					3.65	345.00			23.40	6,107.90
sub total - J. Distribution and Closure	0.55	325.05	19.75	5,762.90					3.65	345.00			23.95	6,432.95
Net Total													75,140.50	
Secretarial Expense													0.00	
Other Disbursements													0.00	
Billed													0.00	
Grand Total													75,140.50	

Name of Assignment Datum Construction Limited - 00243819

Detail of Time Charged and Rates Applicable for the Period From 17/04/2021 to 30/06/2021

Activity	Partner	Director	Senior Manager	Manager	Senior Executive	Executive	Total hours	Time Costs £	Av. Rate £/h
PLANNING AND STRATEGY	0.15						0.15	88.65	591.00
GENERAL ADMINISTRATION			0.95	0.65	2.60	2.00	6.20	921.15	148.57
CREDITOR CLAIMS						0.70	0.70	51.80	74.00
REPORTING	0.15					1.00	1.15	162.65	141.43
DISTRIBUTION AND CLOSURE			1.00	3.00		1.45	5.45	1,064.30	195.28
Total	0.30		1.95	3.65	2.60	5.15	13.65	2,288.55	167.66



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 Company.

The current charge out rates per hour of staff within my firm who may be involved in working on this case are:

GRADE	£
Partner	609
Director	330-511
Senior Manager	276-426
Manager	151-311
Senior Executive	121-211
Executive	76-110

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

Time spent on casework is recorded directly to the relevant case 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 time for this case under the following categories:-

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

Under each of the above categories the work is recorded in greater detail in sub categories. Please note that the 10 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.

Expenses

Expenses including disbursements (costs incurred in the case which have been paid by the firm and are recharged to the estate) can be divided into two categories.

1) Category 1 expenses

These are expenses relating directly to the estate incurred by an independent third party. In addition to professional fees and expenses, such expenses may include items such as bonding, advertising, insurance, external printing and postage costs, couriers, travel (by public transport), company and land registry searches, fees in respect of swearing legal documents and storage of the Company's records.

Creditor approval is not required to pay category 1 expenses.

2) Category 2 expenses

These are expenses relating directly to the estate which have been incurred by an associated party or which have an element of shared costs.

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 Company. 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.

Creditor approval is required to pay category 2 expenses from the estate.

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

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.