

The Insolvency Act 1986

**Notice of move from  
administration to dissolution****2.35B**

Name of Company  Baker (Crewe) Limited T/A Grasmere Vauxhall	Company number  03051046
In the High Court of Justice  (full name of court)	Court case number  5158 of 2010

(a) Insert full  
name(s) and  
address(es) of  
administrator(s)

I/We (a) David John Blenkarn  
Smith & Williamson LLP  
Imperial House  
18-21 Kings Park Road  
Southampton  
Hampshire  
SO15 2AT

Gregory Andrew Palfrey  
Smith & Williamson Ltd  
Imperial House  
18-21 Kings Park Road  
Southampton  
Hampshire SO15 2AT

(b) Insert name and  
address of the  
registered office of  
company

having been appointed administrator(s) of (b) Baker (Crewe) Limited  
T/A Grasmere Vauxhall Imperial House 18-21 Kings Park Road Southampton Hampshire SO15  
2AT

(c) Insert date of  
appointment

on (c) 29 June, 2010  
by (d) Directors

(d) insert name of  
applicant/  
appointer

hereby give notice that the provisions of paragraph 84(1) of Schedule B1 to the Insolvency Act 1986  
apply

I/We attach a copy of the final progress report

Signed

  
Joint / Administrator(s)

Dated

21/12/12

**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

David John Blenkarn  
Smith & Williamson LLP  
Imperial House  
18-21 Kings Park Road  
Southampton  
Hampshire  
SO15 2AT

DX Number 49667 Southampton 2

023 8082 7623  
DX Exchange

When you have completed and signed this form, please send it to the  
Registrar of Companies at -  
Companies House, Crown Way, Cardiff CF14 3UZ DX 33050 Cardiff

SATURDAY



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22/12/2012

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COMPANIES HOUSE

# **Smith & Williamson**

**Baker (Crewe) Limited – In Administration**

Joint Administrators' Final Progress Report

For the Period 1 November 2012 to 21 December 2012

21 December 2012

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## 1. Glossary

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Abbreviation	Description
the Company	Baker (Crewe) Limited
the Administrators	David John Blenkarn and Gregory Andrew Palfrey
SIP	Statement of Insolvency Practice
IA86	Insolvency Act 1986 If preceded by S this denotes a section number If preceded by P Sch B1 this is a reference to a paragraph in Schedule B1, which contains many of the requirements for an administration
IR86	Insolvency Rules 1986 If preceded by R this denotes a rule number
SoA	Statement of Affairs
ETR	Estimated to Realise
GMUK	General Motors UK Limited
GMAC	GMAC (UK) Plc
RBS	Royal Bank of Scotland PLC
HMRC	HM Revenue and Customs

## 2. Introduction

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David John Blenkarn and Gregory Andrew Palfrey were appointed as Joint Administrators of the Company on 29 June 2010. The application for the appointment of the Administrators was made by Directors.

We attach at Appendix A further relevant information as required by R2.33 IR86.

## 3. Joint Administrators' Proposals

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As reported to creditors on 23 July 2010 the Joint Administrators proposed to continue the administration of the Company's affairs and realisation of its assets including

- a) To complete the sale of the remaining freehold property;

- b) Collection of the Company's book debts,
- c) To complete the processing of employee claims and, if funds are available, to make distributions to the preferential creditors,
- d) To investigate matters which we believe require further inspection

We consider that the objectives of the administration have been achieved since.

- a) The remaining freehold property was sold in May 2011,
- b) All book debts that appear to have been collectable have been realised,
- c) Employee claims have been processed and preferential claims paid in full,
- d) There were no matters requiring further investigation

Furthermore, two of the three secured creditors, GMAC and RBS, were paid in full and part payment has been made to the remaining secured creditor, GMUK

#### 4. Progress of the Administration

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Attached at Appendix B i is our Receipts and Payments Account for the period from 1 November 2012 to 21 December 2012

Details of the conduct of the administration have been given in our previous reports and this report should be read in conjunction with those reports. Details of asset realisations are listed in the administrators' receipts and payments account.

The Administration was extended by resolution of the Secured and Preferential creditors on 10 June 2011 for six months from 29 June 2010 and for a further twelve months by order of the Court from 29 November 2011

#### 5. Joint Administrators' Remuneration

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On 31 August 2010 the Secured and Preferential Creditors approved that the basis of the Joint Administrators' remuneration be fixed by reference to the time properly spent by them and their staff in managing the Administration

An analysis of the time spent dealing with matters arising in the administration, prepared in accordance with SIP 9 – Remuneration of insolvency office holders, for the period from 1 May 2012 to 10 December 2012 is attached at Appendix C i

We have spent the following time dealing with the administration.

<b>Period</b>	<b>Total cost £</b>	<b>Total hours</b>	<b>Average hourly rate £/hr</b>	<b>Fees drawn in period £</b>
29 June 2010 to 31 October 2012	289,047 50	1,611 90	179 32	282,251 55
1 November 2012 to 10 December 2012	2,786 20	14 70	189 54	6,766 05

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<b>29 June 2010 to 30 November 2012</b>	<b>291,833.70</b>	<b>1,626.60</b>	<b>179.41</b>	<b>289,017.60</b>
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Attached as Appendix D is additional information in relation to this firm's policy on staffing, the use of subcontractors, disbursements and details of our current charge-out rates by staff grade

A copy of 'A Creditors' Guide to Administrators' Fees' is available on request or can be downloaded from

[http://www.r3.org.uk/media/documents/publications/professional/Guide\\_to\\_Administrators\\_Fees\\_Nov2011.pdf](http://www.r3.org.uk/media/documents/publications/professional/Guide_to_Administrators_Fees_Nov2011.pdf)

#### **Disbursements**

No Category 1 disbursements have been incurred or drawn during the period, details of disbursements incurred and paid to date are given in Appendix D iv

No Category 2 disbursements have been either incurred or paid

## **6. Joint Administrators' Expenses**

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#### **Subcontractors**

Since the date of our last report we have not used the services of any subcontractors. Details of the fee arrangement and costs incurred and paid since the date of our appointment are shown in Appendix D ii

#### **Professional advisors**

Since the date of our last report we have not used the services of any subcontractors. Details of the fee arrangement and costs incurred and paid since the date of our appointment is shown in Appendix D iii

## **7. Creditors' rights**

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Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Joint Administrators provide further information about their remuneration or expenses (other than pre-administration costs) which have been itemised in this progress report

Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that, in all the circumstances, the basis fixed for the Joint Administrators' remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Joint Administrators, as set out in this progress report, are excessive

Further details are given in Appendix E

## 8. Investigations

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In accordance with the Company Directors Disqualification Act 1986 we have submitted a report on the conduct of the Directors of the Company to the Department for Business Innovation & Skills (BIS). As this is a confidential report, we are not able to disclose the contents.

Shortly after appointment, we made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate. This assessment took into account information provided by creditors as a response to our request to complete an investigation questionnaire. Our investigations have not revealed any issues requiring further report.

## 9. Unrealised Assets

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We would confirm that all assets have now been realised and the cumulative Receipts and Payments Account at Appendix B reflects the final position on both realisations achieved and payments discharged during the course of the Administration. Appendix B reflects the receipts and payments made during the period since our last progress report dated 21 May 2012.

## 10. Outcome for Creditors

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### **Secured creditors**

At the date of appointment the Company had three secured creditors GMAC, GMUK and RBS.

GMAC have been paid £1,778m out of the proceeds of the sale of motor vehicles under the terms of their agency agreement with the Company. This represented the full amount due to them at the date of appointment.

RBS were paid £1,394m out of the proceeds of the sale of the dealership site in Crewe, over which they held a fixed charge dated 4 December 1996. This represented the full amount due to them at the date of appointment.

GMUK have been repaid a total of £412k in respect of their total debt of £1,224m, under the terms of their charge dated 23 August 1995. GMUK also recovered a further £171k as a result of claiming stock under reservation of title that they then sold, together with £14k retained in respect of outstanding claims for parts supplied by the Company for fleet servicing work undertaken.

### **Preferential creditors**

Preferential creditors were paid in full on 28 December 2011.

### **Unsecured creditors**

We have received claims totalling £378,146.70 from 48 creditors. We have not requested creditors to prove their claims as there were insufficient funds available to make a distribution to unsecured creditors.

All of the floating charges were created prior to 15 September 2003. Accordingly, there was no requirement to create a fund out of the Company's net floating charge property for unsecured creditors, which only applies to charges created after 15 September 2003.

## 11. Ending the Administration

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At the conclusion of the administration we propose that the Company will be dissolved as this is the most appropriate end to the Administration. There are no funds to enable a distribution to unsecured creditors, and therefore it is not appropriate for the Company to move to Creditors' Voluntary Liquidation or be wound up the Court and placed in Compulsory Liquidation.

The Joint Administrators will be discharged from liability under Paragraph 98(3) of Schedule B1 to the Insolvency Act 1986 immediately upon their appointment as Administrators ceasing to have effect.

The Joint Administrators were discharged from liability under Paragraph 98(3) of Schedule B1 to the Insolvency Act 1986 following their appointment as Administrators ceasing to have effect once the Form 2.35B has been filed by the Registrar of Companies.



**David Blenkarn**

Joint Administrator

Date: 21 December 2012



## A. Additional information required by R2.33 IR86

Relevant Court	High Court of Justice, Companies Court, Chancery Division, Strand, London WC2A 2LL
Court Reference	5158 of 2010
Trading Name(s)	Grasmere Vauxhall
Trading Addresses	Macon Way, Crewe, Cheshire, CW1 6GY, Unit 2a Herald Park, Crewe, CW1 6GY, Brindley Way, Lyme Green Business Park, Macclesfield, SK11 0TB, Rood Hill, Lower Heath, Congleton, CW12 1NJ; Unit 2A Beam Heath Way, Nantwich, CW5 6PQ, Countess Avenue, Stanley Green Industrial Estate, Cheadle, SK8 6QU
Former Name(s)	Allowmotion Limited
Registered Office	Imperial House, 18-21 Kings Park Road, Southampton, SO15 2AT
Registered Number.	03051046
Joint Administrators	David John Blenkarn and Gregory Andrew Palfrey Imperial House, 18-21 Kings Park Road, Southampton, SO15 2AT In accordance with P100 (2) Sch B1 1A 86 a statement has been made authorising the Joint Administration to act jointly and severally
Date of Appointment	29 June 2010
Appointors	Paul Baker and Motors Directors Limited
Company Directors	Paul Baker, Motors Directors Limited
Company Secretary	Motors Secretaries Limited
Shareholders	Baker Holdings Limited – 294,394 £1 ordinary shares (authorised share capital - £294,394); General Motors UK Limited – 2,975 £1 Ordinary 'A' shares (Authorised share capital - £2,975) General Motors UK Limited – 550,000 £1 preference shares (Authorised share capital - £550,000)
Holding company	Baker (Holdings) Limited
Details of Extension of Administration	On 10 June 2011 the Secured and Preferential creditors resolved to extend the Administration to 28 December 2011 On 22 November 2011 the Administration was extended to 28 December 2012 by order of the court

## B. Receipts and payments

### B.1. Receipts and payments account

Statement of Affairs	Notes	From 29/06/2010 To 31/10/2012	From 01/11/2012 To 21/12/12	From 29/06/2010 To 21/12/12
1,530,000 (1,305,000)				
GENERAL FIXED CHARGE				
Freehold property		1,513,364 80	-	1,513,364 80
Royal Bank of Scotland		(1,394,282 57)	-	(1,394,282 57)
Legal fees		(1,292 00)	-	(1,292 00)
Legal Expenses		(13 92)	-	(13 92)
Agents Fees		(2,812 50)	-	(2,812 50)
Agents Expenses		(175 00)	-	(175 00)
150,000				
Equipment		140,000 00	-	140,000 00
Bank Charges Fixed Charge		(75 00)	-	(75 00)
Bank Interest Fixed Charge		524 23	-	524 23
		<u>255,238 04</u>	<u>-</u>	<u>255,238 04</u>
PLANT & MACHINERY				
FIXTURES & FITTINGS				
172,700				
Parts Stock		2,613 70	-	2,613 70
(172,700)		<u>-</u>	<u>-</u>	<u>-</u>
Chargeholder - General Motors UK Limited		<u>2,613 70</u>	<u>-</u>	<u>2,613 70</u>
MOTOR VEHICLES				
2,150,000				
Motor Vehicles Stock - Funded	1	49,568 74	-	49,568 74
(1,873,000)	2	<u>-</u>	<u>-</u>	<u>-</u>
GMAC		<u>49,568 74</u>	<u>-</u>	<u>49,568 74</u>
ASSET REALISATIONS				
Equipment		29,100 00	-	29,100 00
Motor Vehicles Non funded		245,944 51	-	245,944 51
20,000				
Book Debts		127,573 92	-	127,573 92
Records/Database/Goodwill		3 00	-	3 00
Unallocated Receipts		67,472 66	-	67,472 66
Sundry Debtors		4,735 35	-	4,735 35
Insurance Refund		1,601 36	-	1,601 36
5,000				
Cash at Bank & In Hand		74,046 55	-	74,046 55
Rent		3,165 00	-	3,165 00
Sundry refunds		523 50	-	523 50
1,500				
Other Stock		-	-	-
Bank Interest Gross		1,067 06	-	1,067 06
Sundry Refunds		750 64	-	750 64
Utility Refunds		10,023 79	-	10,023 79
		<u>566,007 34</u>	<u>-</u>	<u>566,007 34</u>
Statement of Affairs		From 29/06/2010 To 31/10/2011	From 01/11/2012 To 21/12/12	From 29/06/2010 To 21/12/12
COST OF REALISATIONS				
Land Registry Fees		(200 00)	-	(200 00)
Service Charges		(1,019 28)	-	(1,019 28)
Crewe Bodyshop Duress Payment		(1,863 50)	-	(1,863 50)
Pre-Appointment Fees		(47,823 25)	-	(47,823 25)
Pre-Appointment Expenses		(652 67)	-	(652 67)
Administrators' Fees		(282,251 55)	(6,766 05)	(289,017 60)
Administrators' Expenses		(5,385 39)	-	(5,385 39)
Sundry Expenses		(277 00)	-	(277 00)
External Printing Costs		(627 54)	-	(627 54)
Agents/Valuers Fees		(6,100 00)	-	(6,100 00)
Agents/Valuers Expenses		(730 01)	-	(730 01)
Legal Fees		(7,175 50)	-	(7,175 50)
Legal Expenses		(59 85)	-	(59 85)
Utility Costs		(2,771 53)	-	(2,771 53)
Duress Payment - External Storage		(376 70)	-	(376 70)
Storage Costs		(157 13)	(424 19)	(581 32)
Re-Direction of Mail		(545 93)	-	(545 93)
Statutory Advertising		(62 50)	-	(62 50)
Rents Payable		(2,169 80)	-	(2,169 80)
Rates		(1,014 65)	-	(1,014 65)
Security Costs/Other Property Expenses		(600 00)	-	(600 00)
Insurance of Assets		(7,047 17)	-	(7,047 17)
Bank Charges		(75 00)	(12 50)	(87 50)
Employee RPO Claim Costs		(5,720 30)	-	(5,720 30)
		<u>(374,706 25)</u>	<u>(7,202 74)</u>	<u>(381,908 99)</u>
PREFERENTIAL CREDITORS				
(85,000)				
Employees Wage/Holiday Arrears		(79,039 17)	20 08	(79,019 09)
		<u>(79,039 17)</u>	<u>20 08</u>	<u>(79,019 09)</u>
FLOATING CHARGE CREDITORS				
(800,000)				
General Motors UK Limited	2	(400,000 00)	(12,499 74)	(412,499 74)
		<u>(400,000 00)</u>	<u>(12,499 74)</u>	<u>(412,499 74)</u>
		<u>19,682 40</u>	<u>(19,682 40)</u>	<u>-</u>

<b>Notes</b>	(1) Motor Vehicle realisations	
	The Statement of Affairs did not distinguish between stock that was subject to funding and that which was not funded	
	Total realisations in respect of vehicle stocks should therefore be considered in total as follows	
		£
	Per Statement of Affairs	
	Vehicle Stocks	2,150,000
	GMAC funding outstanding	(1,873,000)
	Estimated surplus	<u>277,000</u>
	Realisations	
	Surplus refunded by GMAC	30,921
	Sale of unfunded vehicles	245,189
	Actual surplus	<u>276,110</u>
	(2) In addition to the administrators receipts and payments, further sums have passed directly to secured creditors, or liabilities have been assumed under the terms of the business sale agreement as follows	
		£
	GMAC new vehicles	775,432
	GMAC demonstrators and used vehicles	1,002,582
	GMUK stocks secured under reservation of title	170,836
	GMUK funds retained in respect of parts supplied by the Company	14,054

## B ii Notes and further information required by Statement of Insolvency Practice 7

- Office holders' remuneration has been paid on the basis set out in section 5
- Details of pre-appointment fees and expenses were provided in our proposals dated 23 July 2010
- We have not sought approval of or drawn any other costs that would require the same approval as our remuneration
- We have not received any remuneration or expenses from outside of the estate
- Details of significant expenses paid are provided in the body of our report
- Information concerning our remuneration and disbursements is provided in the body of the report
- Information concerning the ability to challenge remuneration and expenses of the administration is provided in section 7
- All bank accounts were interest bearing to 7 December 2011 and where appropriate funds were held on fixed term deposit accounts with higher interest rates. Since this date funds have been in non-interest bearing accounts to facilitate the completion of the post appointment Corporation tax returns
- There are no foreign currency holdings
- All amounts in the receipts and payments account are shown exclusive of VAT. VAT is expected to be payable/recoverable on all transactions in the estate subject to VAT. In the event of any variations to this, such amounts would be disclosed as irrecoverable VAT.

## C. Time analysis

C.I. For the period from 1 May 2012 to 10 December 2012

Category Heading	Description of activity	Staff Grade	Senior Manager or Manager	Other Senior Professionals	Assistants & Support Staff	Total Hrs	Total £	Average Rate £/Hr
<b>Administration &amp; Planning</b>	Statutory Returns, Reports & Meetings		9 05	1 90	-	10 95	2,168 50	198 04
	Initial post-appointment notification letters, including creditors		-	0 35	-	0 35	56 00	160 00
	Cashiering general, including bonding		0 45	1 05	-	1 50	261 00	174 00
	Job planning, reviews and progression (inc 6 month reviews and planning meetings, checks)		0 05	0 85	-	0 90	150 25	166 94
	Post-appointment taxation (VAT, PAYE/NIC, Corp Tax that are not trading related)		0 05	-	-	0 05	10 25	205 00
	Protection of company records (incl electronic)		-	0 45	-	0 45	74 25	165 00
	Filing, file and information management		-	0 25	0 15	0 40	45 45	113 63
<b>Administration &amp; Planning</b>	<b>Subtotal</b>		9 60	4 85	0 15	14 60	2,765 70	189 43
<b>Creditors</b>	Fixed charge Creditors		0 05	-	-	0 05	10 25	205 00
	Unsecured creditors		0 05	-	-	0 05	10 25	205 00
<b>Creditors</b>	<b>Subtotal</b>		0 10	-	-	0 10	20 50	205 00
	Total Hours (Hrs)		9 70	4 85	0 15	14 70		
	Total Cost (£)		1,986 50	795 50	4 20		2,786 20	
	Average Rate (£/Hr)		204 79	164 02	28			189 54

C II Major work activities undertaken

**Administration and planning**

Work undertaken under this heading encompasses the statutory and regulatory requirements of the administration such preparing the progress reports and the various disclosures required by statute and best practice

## D. Charging, subcontractor and advisor information

### D.i. Policy

Detailed below is Smith & Williamson's policy in relation to

Staff allocation and the use of subcontractors

Professional advisors

Disbursements

### D.ii. Staff allocation and the use of subcontractors

Our general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case

The constitution of the case team will usually consist of a partner and a partner or associate director as joint office holders, a manager, and an administrator or assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment. The charge out rate schedule below provides details of all grades of staff and their experience level.

We may use subcontractors to perform work which might ordinarily be carried out by us and our staff where it is cost effective to do so and/or where the specific expertise offered by the subcontractor is required.

During our administration of the Company we have utilised the services of the subcontractors below. Details of the fee arrangement and costs incurred and paid are also set out below.

<b>Provider/ Services</b>	<b>Basis of fee arrangement</b>	<b>Costs incurred in period £</b>	<b>Costs paid in period £</b>	<b>Total costs incurred £</b>	<b>Total costs paid £</b>
ERA Solutions (Employee claims)	Fixed fee plus disbursements	Nil	Nil	5,720 30	5,720 30

### D.iii. Use of professional advisers

We select professional advisers such as agents and solicitors on the basis of balancing a number of factors including

- The industry and/or practice area expertise required to perform the required work
- The complexity and nature of the assignment
- The availability of resources to meet the critical deadlines in the case
- The charge out rates or fee structures that would be applicable to the assignment.
- The extent to which we believe that the advisers in question can add value to the assignment

On this assignment we have used the professional advisors listed below. We have also indicated alongside the basis of our fee arrangement with them, which was subject to review on a regular basis.

<b>Provider/ Services</b>	<b>Basis of fee arrangement</b>	<b>Costs incurred in period</b>	<b>Costs paid in period</b>	<b>Total costs incurred</b>	<b>Total costs paid</b>
		<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Blake Laphorn (legal advice)	Hourly rate and disbursements	Nil	Nil	1,881.00	1,881.00
Duane Morris (legal advice)	Hourly rate and disbursements	Nil	Nil	5,351.81	5,351.85
CBRE Richard Ellis (property valuation)	Fixed fee and disbursements	Nil	Nil	3,227.21	3,227.21
King Sturge Plant & Machinery (P&M valuation)	Hourly rate and disbursements	Nil	Nil	3,602.80	3,602.80
Lamont Commercial Limited (Property disposal)	Percentage of sale price plus disbursements	Nil	Nil	2,987.50	2,987.50

#### D.iv. Disbursements

Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case.

Category 2 disbursements do require approval from creditors. These are costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis such as internal room hire, document storage or business mileage.

Since 1 June 2012 our policy is to recover only one type of Category 2 disbursement, namely business mileage at HM Revenue & Customs' approved mileage rates at the relevant time. Prior to that, approval may have been obtained to recover other types of Category 2 disbursements.

Total Category 1 disbursements incurred and paid are as follows

#### D v. Charge out rates

A schedule of Smith & Williamson's charge out rates was issued to creditors at the time the basis of the Administrators' remuneration was approved. Below are details of this firm's charge out rates which have been applied.

Time is recorded in a minimum of three minute units at the charge out rate prevailing at the time the work is performed.

Staff Grade	£/hour	
	From 1/7/11	From 1/7/12
Director/Partner	350 - 440	325 - 350
Senior Manager and managers	100 - 285	200 - 270
Other professional staff	80 - 165	80 - 180
Assistants and Support Staff	28 - 60	28 - 60



## E. Administrators' Fees – Information and Challenges

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### E.i Creditors' request for further information (R2.48A IR 1986)

Within 21 days of receipt of a progress report a secured creditor, or an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or any unsecured creditor with permission of the court, may request further information from the administrators regarding

- Their remuneration charged during the period of the report and, where the report is the first report since the basis of the administrators' remuneration has been fixed, the remuneration charged by the administrators during the periods covered by previous reports, in both cases irrespective of whether payment was made in respect of the remuneration during that period, and
- The expenses incurred by the administrators during the period of the report, irrespective of whether payment was made in respect of them during that period

The request must be in writing.

The administrators must provide the requested information within 14 days unless they consider that

- The time or cost involved in preparing the information would be excessive, or
- Disclosure would be prejudicial to the conduct of the liquidation or might be expected to lead to violence against any person, or
- The administrator is subject to an obligation of confidentiality in respect of the information

In which case the administrators must provide their reasons for not providing all of the information requested

Any creditor may apply to Court within 21 days of (a) the administrators' refusal to provide all the information requested, or (b) the expiry of the 14 days in which the administrators are required to provide the information requested

### E.ii. Creditors' claim that remuneration is (or other expenses are) excessive (R2.109 IR 1986)

If a secured creditor, or an unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors (including the creditor in question), or any unsecured creditor with permission of the court, considers that the administrators' remuneration is excessive or that the basis fixed for it is inappropriate or that the expenses incurred by the administrators are excessive he may make an application to Court

Any such application must be made within eight weeks of receiving the administrators' report in which the remuneration charged or expenses incurred is first reported

The Court may dismiss the application if it does not consider sufficient cause has been shown

If the Court does not dismiss the application the creditor(s) making the application must give the administrators notice of the hearing, a copy of the application and supporting evidence not less than 14 days before the hearing

If the Court considers the application well founded, it may make an order.

- Reducing the amount of remuneration which the administrators were entitled to charge,
- Fixing the basis of the remuneration at a reduced rate or amount,
- Changing the basis of remuneration,
- That some of the remuneration or expenses in question be treated as not being expenses of the administration,
- That the administrators repay the amount of the excess remuneration or expenses or such part of the excess as the Court may specify, and
- Anything else that it considers just

Orders that fix the basis of remuneration at a reduced rate or amount or which change the basis of remuneration may only be effective for periods after the periods covered by the relevant progress report

Unless the Court orders otherwise the costs of the application are not an expense of the administration and must be borne by the applicant