

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

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1

Company details

Company number

05769324

Company name in full

Premier FX Limited

→ Filling in this form

Please complete in typescript or in bold black capitals.

2

Liquidator's name

Full forename(s)

Jonathan David

Surname

Bass

3

Liquidator's address

Building name/number

Lynton House

Street

7 - 12 Tavistock Square

Post town

London

County/Region

Postcode

WC1H9LT

Country

❶ Other liquidator

Use this section to tell us about another liquidator.

4

Liquidator's name ❶

Full forename(s)

Freddy

Surname

Khalastchi

❷ Other liquidator

Use this section to tell us about another liquidator.

5

Liquidator's address ❷

Building name/number

Lynton House

Street

7 - 12 Tavistock Square

Post town

London

County/Region

Postcode

WC1H9LT

Country

❷ Other liquidator


Use this section to tell us about another liquidator.

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6	Period of progress report											
From date	<div><div>d</div><div>0</div></div>	<div><div>d</div><div>7</div></div>	<div><div>m</div><div>1</div></div>	<div><div>m</div><div>2</div></div>	<div><div>y</div><div>2</div></div>	<div><div>y</div><div>0</div></div>	<div><div>y</div><div>1</div></div>	<div><div>y</div><div>9</div></div>				
To date	<div><div>d</div><div>0</div></div>	<div><div>d</div><div>6</div></div>	<div><div>m</div><div>1</div></div>	<div><div>m</div><div>2</div></div>	<div><div>y</div><div>2</div></div>	<div><div>y</div><div>0</div></div>	<div><div>y</div><div>2</div></div>	<div><div>y</div><div>0</div></div>				

7	Progress report											
<input checked="" type="checkbox"/> The progress report is attached												

8	Sign and date											
Liquidator's signature	<div>Signature</div> <div><div>X</div><div></div><div>X</div></div>											
Signature date	<div><div>d</div><div>0</div></div>	<div><div>d</div><div>2</div></div>	<div><div>m</div><div>0</div></div>	<div><div>m</div><div>2</div></div>	<div><div>y</div><div>2</div></div>	<div><div>y</div><div>0</div></div>	<div><div>y</div><div>2</div></div>	<div><div>y</div><div>1</div></div>				

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 **Rona Bharania**Company name **Menzies LLP**Address **2 Sovereign Quay****Havannah Street**Post town **Cardiff**

County/Region

Postcode **C F 1 0 5 S F**

Country

DX **DX 200767 Cardiff Bay**Telephone **029 2049 5444****Checklist**

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- ☐ 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.

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**MENZIES**

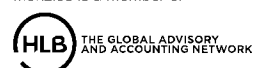
**PREMIER FX LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION**

**JOINT LIQUIDATORS' PROGRESS REPORT PURSUANT TO SECTION 104A OF THE INSOLVENCY  
ACT 1986 AND RULE 18.2 OF THE INSOLVENCY (ENGLAND & WALES) RULES 2016**

**FOR THE PERIOD 7 DECEMBER 2019 TO 6 DECEMBER 2020**

**DATED 3 FEBRUARY 2021**

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## **PREMIER FX LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION – ("THE COMPANY")**

### **ANNUAL PROGRESS REPORT**

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## 1. INTRODUCTION AND EXECUTIVE SUMMARY

I was appointed Joint Liquidator of the Company on 7 December 2018. I now present my progress report for the second year of the liquidation, pursuant to Section 104A of the Insolvency Act 1986 ("the Act") and Rule 18.2 of the Insolvency (England & Wales) Rules 2016 ("the Rules").

This report should be read in conjunction with the Joint Administrator's proposals, together with the final report issued by the Joint Administrators. I would also draw creditors' attention to my first progress report dated 3 February 2020 which remains available to download on the creditor portal.

The Company's statutory information is attached at Appendix 1 of this report.

### *Executive summary*

The Company was incorporated on 4 April 2006 and the principle activity of the Company was that of a payment service provider which was authorised and supervised by the Financial Conduct Authority ("FCA") to perform money remittance services under the Payment Services Regulation 2017 ("the PSRs").

The sole director and shareholder, namely Peter Rexstrew passed away on 16 June 2018. Katy Grogan and Charles Peter Rexstrew were appointed directors of the Company on 18 June 2018 following their father's death. The Company continued to trade for a period of time and then subsequently ceased to trade on 27 July 2018.

The Company entered administration on 13 August 2018 with Dina Devalia and Peter Hart of PKF Geoffrey Martin & Co being appointed Joint Administrators.

On 18 October 2018, a physical creditors meeting was held. At the meeting, it was resolved by creditors that the Administrators' proposals would be approved with modifications. The modifications were that the administration would end within six weeks and move the Company to creditors' voluntary liquidation, with Freddy Khalastchi and Jonathan Bass both of Menzies LLP to be appointed as Joint Liquidators.

At the date of my appointment, I took steps to review the assets, including the 73 bank accounts, together with commencing my investigations. Further details can be found in the investigations section of the report.

This report should be read in conjunction with the Joint Administrators' proposals together with the final report issued by the Joint Administrators and my progress report dated 3 February 2020.

I would also draw creditors attention to previously issued Frequently Asked Questions ("FAQs") which are available to download on the creditor portal.

I attach at Appendix 2 a receipts and payments account for the period ended 6 December 2020. Details of progress during the period are set out in sections 2 and 3 below.

## 2. ASSET REALISATIONS

I attach at Appendix 2 a receipts and payments account for the period ended 6 December 2020.

### Post Administration Payment Service Users ("PSU"):

Following a review the bank account transactions, it was noted that a sum of £51,380.43 was received by the Company after the administration order. The sum of £26,630.94 of these monies were received in the administration and were subsequently transferred to me as Joint Liquidator which were included within the £556,401.33 detailed in the Joint Administrators' final report.

In February 2019, Barclays Bank plc ("Barclays") transferred a further £24,749.49 which had accumulated in the Company's bank account from PSUs who had continued to transfer monies into the Company's bank account.

Legal advice was sought on how to treat these monies and it was confirmed that if the PSUs could demonstrate and evidence that the payment was made in error and that these were not monies due to the Company, their funds could be duly returned. During the reporting period, £600.00 has been returned to those relevant PSUs who made payments in error.

If you have paid monies to the Company after the date of the administration, being 13 August 2018 and not previously been in contact, I would urge you to contact my office.

### Bank interest gross:

The funds are held in an interest-bearing account and during the reporting period, gross bank interest of £255.94 has accumulated.

### Philippine Pesos:

A sum of ₱90,099,800 Philippine Pesos is held on an account at Barclays. These funds represent monies held in this currency denomination as at the date of the administration order. Barclays are currently holding these funds to my order. As directed in the Court proceedings we have now be provided clearance to convert the Philippine Pesos to Pounds Sterling in preparation of the proposed distribution plan.

As at the date of this report these monies have yet to be converted and transferred to the liquidation estate account, but it is anticipated that this will be concluded within the next 5 working days. Barclays have indicated that a sum of £1,367,220 (subject to any final bank charges) should be received and this is based on the exchange rate Barclays has set for the transaction.

### Court application as regard to the treatment of the funds:

I refer to my prior year's report, the Company was authorised by the FCA to perform money remittance services under the PSRs. In accordance with the legislation the Company was required to take steps to protect and safeguard the PSUs's funds, if those funds were not being remitted to the desired beneficiary forthwith.

The purpose of the safeguarding provisions in the PSRs is to protect customer funds that are held pending onward transfer. For example, where funds are received and an agreement is reached for a future dated payment order, these funds should be placed in a safeguarding account until the execution date.

The Company was authorised to perform money remittance services and it was not authorised by the FCA to accept deposits. In providing money remittance services, a company like this can only hold funds for the purpose of the payment transactions. However, these funds must be accompanied by a payment instruction for onward forward transfer. A payment institution cannot hold funds indefinitely and, in any event, can only hold funds for a payment transaction, which distinguishes it from being a deposit taker.

In the first instance and in accordance with insolvency legislation, any claims for monies paid by PSUs to the Company prior to it being placed into administration would normally rank as an unsecured creditor for the purposes of the liquidation as they were not held in a clearly defined safeguarding account.

Given the nature of the business, the circumstances in which PSUs transferred monies to the Company and how they were administered, further analysis was required to determine how the remaining funds should be treated.

As at the date of the administration the Company held funds of circa £1.8m, against which there was claims of anything up to £10.6m. It is unclear whether all or some of those funds belong to the Company should be distributed *pari passu* to creditors, and / or whether certain funds are subject to propriety claims of specific individual creditors, i.e. monies do not belong to the Company because they are held on trust for those individual creditors and should be returned to them.

As alluded to above some of the monies paid to the Company may be subject to claims from a number of the parties that deposited funds with it and this could mean that they effectively rank ahead of the unsecured creditor claims.

Solicitors' and Counsel advice has been sought in this regard and it was identified that an application to Court by the Joint Liquidators for directions pursuant to Section 112 of the Insolvency Act 1986 was required in relation to the payment of the costs and expenses in investigating the beneficial ownership of the monies held by the Company as at the date of the administration.

As part of this application, a request was made to the Court for the Joint Liquidators to utilise monies realised to pay for certain costs associated with furthering the investigation and evaluating the beneficial ownership of the monies.

These costs were to include paying for third party specialists to gain access to the Company's electronic data and also the Joint Liquidators' time costs in undertaking the forensic work required.

During the reporting period, an application was made to Court by the Joint Liquidators on 10 February 2020 pursuant to Section 112(1) of the Insolvency Act 1986 under claim number CR-2018-006644, which sought directions in relation to the permission to apply monies standing to the credit of any bank account held by the Company to pay all fees, costs, charges and other expenses incurred in investigating the beneficial ownership of the monies irrespective of whether the said monies are assets of the Company available for the payment of general creditors or are beneficially owned by any other person.

An initial court hearing took place on the 20 April 2020 which directed for a full day hearing on the 27 November 2020. At the hearing on the 27 November 2020 the Court considered the application and formed a view that the exercise and approach of further investigation and analysis was not proportionate given the quantum of monies held. Instead the Court recommended that the Liquidators should take a pragmatic approach and seek to verify claims with the current information readily available.



Accordingly, the Court directed the Liquidators to prepare a Distribution Plan setting out how the Liquidators propose to assess the claims and how the monies will be distributed.

Following the hearing, I have drafted the Distribution Plan with the assistance of my solicitors and Counsel. The proposed Distribution Plan has been circulated to the relevant parties and the Court will consider its suitability and, if deemed appropriate, the Distribution Plan will be approved with any amendments at a further hearing scheduled for 8 March 2021.

It is advised to all Claimants as defined in the draft Distribution Plan, that they complete the proof of debt form and submit the supporting documentation to ensure that their claim is submitted in full. A supplementary FAQ has been issued to all creditors, which provides further details on the outcome of the hearing and what documentation will need to be submitted by the Claimants so that their claim has the ability to be accepted in full.

I would advise creditors to log on to the portal and review the FAQ's and Distribution Plan as this will have further information and details of how to submit a claim.

### **3. INVESTIGATIONS**

Following our appointment we commenced our enquiries in to the demise of the Company and the conduct of a number of parties. In this process we contacted the directors, former employees, contractors, solicitors, accountants, bankers and other professional firms engaged by the Company. These individuals/parties have been interviewed and various avenues of investigation arising from these discussions have been explored.

The bank statements have been obtained in various formats from the FCA, Barclays and the Joint Administrators. The Company operated 73 bank accounts and during the Company's last six years of trading circa 300,000 banking transactions were carried out across these accounts.

These statements have been extensively analysed by our forensics department as part of the initial tracing exercise with a view to highlighting potential claims for the Joint Liquidators to pursue. In reviewing these transactions a number of contemporaneous records and documents secured have also been reviewed.

As referred to previously, the Company's IT equipment has been secured but to date these have yet to be accessed and forensically analysed.

The FCA are currently conducting their own investigations into the demise of the Company and the Joint Liquidators are assisting the FCA where appropriate by sharing information, findings and attending regular conference calls / meetings.

I have complied with my obligations pursuant to the Company Directors Disqualification Act 1986 as well as liaising with the appropriate authorities.

The above is not an exhaustive list of the work undertaken by the Joint Liquidators and the creditors should appreciate that certain aspects will not be disclosed in full as to do so may prejudice the outcome of future investigations and potential claims whilst our investigation remains ongoing.

During the period under review we have held numerous meetings and calls with the Liquidation Committee ("Committee") and provided them with a summary of our findings to date. Similarly, they have provided us with lots of information and assisted us in focusing our investigations.

#### 4. **JOINT ADMINISTRATORS' REMUNERATION, COSTS AND DISBURSEMENTS**

It is for a Committee to approve the basis of the office holders' remuneration. If no Committee is established or the Committee fails to determine the basis of our remuneration, it will be for the creditors to determine.

In the event that no Committee is formed a decision is sought from the general body of creditors.

In this matter a Committee was formed at the first meeting of creditors held on the 18 October 2018 and therefore it is for the Committee to approve the basis of the Joint Administrators' remuneration.

The Joint Administrators' remuneration basis was approved by the Creditors Committee on 14 November 2018 and their fees were fixed by reference to the time given by them and their staff in attending to matters in the Administration, such time to be charged at the hourly charge out rate of the grade of staff undertaking the work at the time it was undertaken.

Following discussions between the Joint Administrators and proposed Joint Liquidators and taking the views of the Committee in to account, the time costs incurred were capped in the sum of £170,000 plus disbursements plus VAT. This represented a full and final settlement of all pre and post appointment time costs incurred by the Joint Administrators.

A breakdown of the Joint Administrators time costs and disbursements can be found in their final report.

These costs are an expense of the liquidation and to date the Joint Administrators have not been paid any of these costs as they are subject to the proceedings in Court.

#### 5. **JOINT LIQUIDATORS' REMUNERATION**

On 8 March 2019, the Committee passed the following resolution: 'For the approval of the Liquidators' remuneration of £120,000 plus VAT for stage one of the liquidation, as defined within the Liquidator's fees and expenses report dated 8 February 2019 and initially presented to the Committee on the same date.'

The fees estimate acts as a cap and I cannot draw remuneration in excess of that estimate without first seeking approval from the Committee.

For reference I attach at Appendix 3, a breakdown of time costs by work category and staff grade for the period 7 December 2019 to 6 December 2020, which includes details of our charge out rates. My time costs during this reporting period are £226,448.30, which represents 652.08 hours at an average charge out rate of £347.27 per hour. My total time costs incurred for the period from appointment to 6 December 2020 now amount to £678,560.65 representing 2,427.91 hours at an average rate of £279.48 per hour.

You will note that included in these time costs is the time my forensics team has spent investigating the bank transactions, reviewing both physical and electronic records secured and accessed, whilst assisting with the analysis to be utilised in the proposed Court application. During the reporting period, £70,875.00 has been incurred, which represents, 238.75 hours at an average charge out rate of £296.86.

Creditors should note that no remuneration has been drawn in this matter.

Given the size and technical nature of the liquidation, much of the work described in the sections above was undertaken by me, a senior manager and a senior administrator. Additional assistance was provided by cashiers dealing with banking and statutory duties, and administrators offering various support services. All time spent on administering various duties was charged directly to the case in 6 minute units.

A narrative explanation of work done during the period since my last progress report is set out at Appendix 3a.

An explanatory note "A Creditors' Guide to Liquidators' Fees" can be found on the following link - <https://www.menzies.co.uk/helping-you/business-recovery/fees-guide/>. Alternatively, it is available free of charge by contacting Menzies LLP. Please note that there are different versions and you should refer to the version for appointments after September 2015.

## 6. JOINT LIQUIDATORS' EXPENSES

Expenses are amounts payable by the officeholder from the liquidation estate, which are not the officeholder's remuneration or a distribution to creditors. These include disbursements, which are met by and recharged to an officeholder in connection with an appointment.

Please see the receipts and payments account detailed at Appendix 2, which shows that no expense payments have been made from the estate during the period since the last progress report.

I have incurred total expenses of £79,371.40 during this period, as detailed in the table below.

I have not been able to draw any expenses in the matter

The total expenses incurred to 6 December 2020 is therefore £180,617.51, none of which has been paid to 6 December 2020. A summary table is set out below:

Type of expense	Incurred in first year of liquidation (£)	Incurred in the period (£)	Total incurred (£)	Paid in the period (£)	Paid in total	Remains outstanding (£)
Statutory advertising*	80.10	Nil	80.10	Nil	Nil	80.10
Specific penalty bond*	800.00	Nil	800.00	Nil	Nil	800.00
Travel, accommodation and meeting room hire*	1,845.40	Nil	1,845.40	Nil	Nil	1,845.40
Storage & shipping*	71.68	253.60	324.96	Nil	Nil	324.96
Insurance*	1,075.20	963.20	2,038.40	Nil	Nil	2,038.40
Legal fees / time costs	87,336.00	56,050.00	143,386.00	Nil	Nil	143,386.00
Solicitors' disbursements	902.73	95.00	997.73	Nil	Nil	997.73
Counsel's fees	9,135.00	22,010.00	31,145.00	Nil	Nil	31,145.00
<b>Total</b>	<b>101,246.11</b>	<b>79,371.80</b>	<b>180,617.59</b>	<b>Nil</b>	<b>Nil</b>	<b>180,617.59</b>

Please note that all costs, expenses and disbursements are shown as net of VAT in the body of this report. As the Company was not registered for VAT purposes VAT cannot be recovered and is therefore an expense of the insolvent estate.

‘\*’ Denotes the Joint Liquidators’ disbursements, further details are in subsequent paragraph.

#### *Professional advisors*

I have used the following agents or professional advisors in the reporting period:

<b>Professional advisor</b>	<b>Nature of work</b>	<b>Basis of fees</b>
JMW Solicitors LLP	Solicitors	Time costs (Conditional fee agreement)
Guildhall Chambers	Counsel	Time costs (Conditional fee agreement)

#### Legal fees / time costs:

The Joint Liquidators have instructed JMW Solicitors LLP (“JMW”) to deal with the following matters:

- Assisting with making a Court application in respect of the monies held by Barclays at the date the administration order vis-à-vis potential proprietary claims to these funds;
- Attending the hearing and advising the Joint Liquidators in respect of the outcome;
- Drafting the Distribution Plan;
- Attending conference calls with the Committee;
- Advising on potential claims identified by our investigations; and
- Assisting and corresponding with individuals and professional firms as part of our investigations.

As reflected above time costs of £56,050.00 has been incurred by JMW and Counsel has incurred time costs of £22,010.00, both these figures are net of VAT, during this reporting period.

The choice of professionals was based on my perception of their experience and ability to perform this type of work and the complexity and nature of the assignment. I also considered that the basis on which they will charge their fees represented value for money. I have reviewed the time charges they have made and am satisfied that they are reasonable in the circumstances of this case.

#### *Joint Liquidators’ disbursements*

In relation to disbursements, where my firm has incurred a cost that is directly referable to this matter and the payment was made to a third party, these costs have been or will be reimbursed, subject to sufficient funds being available in the estate. I have incurred disbursements totalling £5,088.86, of which £1,216.80 was incurred during this period (included in the expenses table above), which have been paid by my firm, none of which have been reimbursed from the liquidation estate.

Details of the disbursements in the prior year, can be found in the progress report dated 3 February 2020.

In the reporting period, storage costs of £253.60 have been incurred, in respect of storing the Company’s books and records.

Insurance premiums of £963.20 have also been incurred in respect of insuring the Company's computer equipment.

No disbursements have or will be claimed which, while directly referable to this matter, did not involve a payment to a third party. Neither will any cost be reimbursed which included an element of shared or allocated cost (e.g. photocopying). A statement with regard to my disbursements recovery policy is attached at Appendix 4.

Please see table above showing the actual expenses incurred as compared to the expenses previously estimated.

As at 6 December 2020, as you can see from the information provided in this report, the expenses I have incurred in this matter have exceeded the total expenses I estimated I would incur when my remuneration was authorised by the Liquidation Committee. The reasons I have exceeded the expenses estimate is due to the complexity of the investigations and the increased costs in legal costs.

## **7. CREDITORS' CLAIMS AND OUTCOME FOR CREDITORS**

### *Secured creditor*

Following an examination of the Company's mortgage register held by the Registrar of Companies, it showed that the Company has granted the Barclays a deed of charge over credit balances, which was created on 4 July 2006 and registered at Companies House on 12 July 2006.

It is understood that most of the Company's accounts were operated on a cash positive basis and only a relatively small number of accounts were overdrawn at the date of the administration. During the administration and prior to transferring the balance of funds to the Joint Administrators, Barclays applied an offset against the overdrawn balances and the accounts that held positive cash balances.

### *Preferential creditors*

Preferential employee related claims have been paid by Redundancy Payments Office ("RPO") who will have a corresponding preferential claim against the Company. The employee information was submitted to the RPO by the Joint Administrators. The RPO has yet to submit their claim, but per the statement of affairs, it is estimated that the preferential claim is in the region of £1,812.

### *Unsecured (ie non-preferential) creditors*

During the administration unsecured claims were estimated at £10,631,654. To date, I have received claims from 163 creditors at a total of £10,375,424.34. Please note that these claims have not been admitted for dividend or distribution purposes.

All claims will be adjudicated between 5 April and 4 July. Please refer to the FAQs in respect for the distribution process.

As referred to above the detail of a distribution to the Claimants, as defined in the draft Distribution Plan, is subject to the outcome of the Court hearing which will be heard on 8 March 2021.

Again, I also refer to the FAQs on the portal, where I have advised all creditors to complete the Claims Form and/or Proof of Debt Form and the supporting documentation by 5 May 2021. The forms are available on the portal to download.

The supporting documentation required to be included by Claimants include the following:

- Details of all the sums transferred, including the dates of the transfers;
- The bank account(s) that the sums were transferred to;
- Copy bank statements evidencing monies transferred (both to and from the Company);
- Contract(s) received from Premier FX Limited;
- Deal summaries, invoice(s), completion statement(s) and client account statement(s).
- Any correspondence (including email correspondence) sent to or received from the Company; and
- Full details of the payment instruction(s) to the proposed beneficiary of the monies Is submitted with your claim.

#### *The Committee*

Since the formation of the Committee there has been a number of changes in its membership. The Committee currently consists of three members, namely:

- Graham Dyke;
- Keith Carre; and
- Pauline Creasey.

As the Committee has been a link between the creditors and the Joint Liquidators, if you have query that you would like to raise with the Committee and you have not previously been in contact with them their email address is: [pfxliquidationcommittee@gmail.com](mailto:pfxliquidationcommittee@gmail.com).

#### **8. CREDITORS' RIGHTS TO FURTHER INFORMATION AND TO CHALLENGE LIQUIDATORS' REMUNERATION AND EXPENSES**

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. A copy of 'A Creditors Guide to Liquidators' Fees' also published by R3, is available at the link <http://www.menzies.co.uk/helping-you/business-recovery/fees-guide/>. Please refer to the version for appointments after September 2015.

##### *Creditors' right to request information*

Any secured creditor, or an unsecured creditor with the support of at least 5% in value of unsecured creditors or with the leave of court, may (in writing) request me to provide additional information regarding remuneration or expenses already supplied within this report. In accordance with rule 18.9(2) of the Rules, such a request or application for leave must be made within 21 days of receipt of this report.

##### *Creditors' right to challenge remuneration and/or expenses*

Any secured creditor, or an unsecured creditor with the support of at least 10% in value of the unsecured creditors or with permission of the court, may apply to court for one or more orders under Rule 18.36(4) or 18.37(4) of the Rules. In accordance with rule 18.34(3) such applications must be made within eight weeks of receipt of this report.

**9. DATA PROTECTION NOTICE**

The Joint Liquidators are data controllers of personal data as defined by the relevant provisions of the applicable data protection legislation. Menzies LLP will act as a data processor on their instructions. Personal data will be kept secure and processed only for matters relating to the insolvency appointment. Full details of our privacy notice is at the following link:  
<https://www.menzies.co.uk/legal/>.

**10. CONCLUDING REMARKS**

The liquidation will remain open until the ongoing investigations have been completed and at this stage, I am unable to provide an estimate as regard to timings.

I will report again on the progress of the liquidation after the next anniversary of the liquidation or in the draft final account, whichever is earlier.

Should you require further information, or if you want hard copies of any of the documents made available on-line, please contact my colleague Premier FX by email at [PFX@menzies.co.uk](mailto:PFX@menzies.co.uk), or by phone on +44 (0)29 2044 7514.



Jonathan David Bass  
Joint Liquidator

## **APPENDIX 1 STATUTORY INFORMATION**

Company name:	Premier FX Limited
Company number:	05769324
Registered office:	Lynton House, 7-12 Tavistock Square, London, WC1H 9LT
Former registered office:	Castle Court, 41 London Road, Reigate, RH2 9RJ
Former trading address:	Castle Court, 41 London Road, Reigate, RH2 9RJ
	Rua Sacudra Cabral, Elifcio Golfe 1A, Almancil, Portugal, 8135-034
	Carrer de la Protectora, 10 Local 9, 007012 Palma de Mallorca, Spain
Principal trading activity:	Payment service provider
Joint Liquidators' names	Jonathan David Bass and Freddy Khalastchi
Joint Liquidators' address	Lynton House, 7-12 Tavistock Square, London, WC1H 9LT
Date of appointment	7 December 2018
Contact details of Joint Liquidators	Premier FX on +44 (0)29 2044 7514 or at PFX@menzies.co.uk
Details of any changes of Liquidator	There have been no changes of Liquidator during the winding up.



**APPENDIX 2**  
**RECEIPTS AND PAYMENTS ACCOUNT**

**Appendix 2**  
**Premier FX Limited**  
**(In Liquidation)**  
**Joint Liquidators' Abstract of Receipts & Payments**

	From 07/12/2019 To 06/12/2020	From 07/12/2018 To 06/12/2020
<b>POST ADMINISTRATION PSU TRANSACTIONS</b>		
Receipts received during ADM	NIL	26,630.94
Receipts received during CVL	NIL	24,749.49
Return of post ADM receipts	(600.00)	(41,257.49)
	(600.00)	10,122.94
<b>ASSET REALISATIONS</b>		
Office equipment	NIL	305.00
Funds received from Administrators	NIL	529,770.39
Bank interest gross	255.94	595.50
	255.94	530,670.89
<b>COST OF REALISATIONS</b>		
Bank charges	NIL	25.00
	NIL	(25.00)
	<b>(344.06)</b>	<b>540,768.83</b>
<b>REPRESENTED BY</b>		
Lloyds Bank (Interest bearing)		540,768.83
		<b>540,768.83</b>

**Note:**

Barclays Bank plc is holding 90,099,800. These monies represent funds held in Philippine Peso by the Company as at the date of the Administration. These monies are being held to order of the Joint Liquidators hence not being reflected on the receipts & payments account.

As at the date of this report these funds have yet to be converted in to Pound Sterling. Currency exchange rates are constantly fluctuating, but to provide an indication as to the value of Philippine Peso in Pounds Sterling it is anticipated that these funds would covert to circa £1,300,000.

## **APPENDIX 3 ANALYSIS OF TIME COSTS**

Premier FX Limited - In Creditors' Voluntary Liquidation

Analysis of Liquidator's Time Cost  
Period 07 December 2018 to 06 December 2020

Balance b/f 07 December 2019						
Period 07 December 2019 to 06 December 2020						
Administration and planning						
Investigations	50.30	0.30	42.20	84.60	179.40	58,140.30
Realisation of Assets	50.80	-	4.00	10.50	65.30	28,737.50
Creditors	30.50	-		0.70	31.20	14,735.00
Forensics	80.40	1.50	27.23	28.30	137.43	53,960.50
	52.75	-	118.50	67.50	238.75	70,875.00
Total Hours	264.75	1.80	191.93	191.60	652.08	347.27
Total Costs	126,110.25	660.00	58,391.25	40,886.80	400.00	226,448.30
Total time costs						
					2,427.91	678,560.65
Fees charged & paid:						
During year ended 6 December 2019					-	-
During year ended 6 December 2020					-	-
Balance					-	678,560.65

CHARGE OUT RATES OF INSOLVENCY TEAM MEMBERS		
	From 1 October 2020	1 Oct 2019 to 30 Sept 2020
	£ per hour	£ per hour
Partner/Director	425-525	400-525
Manager	260-360	260-350
Senior	230-250	230-250
Administrator	100-200	100-205
Support Staff	100	100-135
Note 1	There may have been a number of promotions through the various grades during the period of the administration.	
Note 2	Overhead costs are reflected in the charge out rates detailed.	
Note 3	The charge-out rate of the Insolvency Practitioner for this assignment is currently £525 per hour, and the administrator is £250 per hour	
Note 4	Time is recorded in minimum units of 6 minutes.	

## **APPENDIX 3A NARRATIVE OF WORK UNDERTAKEN IN THE PERIOD FROM 7 DECEMBER 2019 TO 6 DECEMBER 2020**

A description of the work undertaken since my last progress report is as follows:

### **1 Administration and planning**

There are certain aspects of the case that are required by statute and for the efficient running of the case. They are not expected to provide a direct quantifiable benefit to creditors; however, without them, other aspects of the case which do provide a quantifiable benefit to creditors would be less efficient. They include:

- The maintenance of physical case files and electronic case management information.
- Periodic review of files;
- Strategic case planning and the routine administration of the case; and
- Preparation of documentation and reports, dealing with correspondence and statutory advertising.

Specifically:

#### *Reporting*

- Preparation of a progress report to members and creditors for circulation following anniversary to advise upon the progress made over the year.

#### *Cashiering*

- Setting up an estate bank accounts;
- Lodging receipts;
- Preparing and processing invoices for payments; and
- Reconciling the bank accounts, and producing the receipts and payments accounts.

### **2 Asset realisations**

Net asset realisations provide the financial benefit to creditors and their quantum directly contributes to any dividend ultimately available to creditors.

Net asset realisations provide the financial benefit to creditors and their quantum directly contributes to any dividend ultimately available to creditors.

The only immediate Company assets which we were aware of was the cash at bank balances and the office equipment.

The cash at bank which was held by the Joint Administrators, having previously been transferred by Barclays was transferred to us. Since our appointment further monies have been received from Barclays. It should be noted that the Philippine Pesos are still held by Barclays to our order and we are continuing to liaise with Barclays in this regard.

Computer equipment was collected from the Joint Administrators and individuals in Portugal and Mallorca who were storing it.

This equipment will not be realised in the immediate future, due to it potentially containing information regarding the Company's financial affairs, which will form part of our investigations.

### 3 Investigations

Complying with statutory requirements will not necessarily produce a financial benefit to creditors but may identify potential avenues which could lead to a recovery for the benefit of creditors.

The vast majority of the Joint Liquidators' time has been incurred in investigating the Company's financial affairs. Below is a summary of the areas where work has been undertaken or is continuing to be undertaken in liquidation:

#### *Company books and records:*

It is the officeholder's statutory obligation to ensure that the books and records of the Company are secured. Time has been spent recovering and reviewing these records from the Joint Administrators, Barclays, directors and the former employees based in Portugal and Mallorca. Time has been incurred in reviewing these records to identify any matters for further investigations or recovery.

#### *Forensic analysis:*

The Joint Liquidators have obtained bank statements in various formats from the FCA, Barclays and the Joint Administrators. The statements have been analysed by my forensics department as part of the initial tracing exercise with a view to highlighting potential claims for the Liquidators to pursue.

#### *Financial Conduct Authority (FCA):*

We have been liaising with the FCA regarding their concurrent investigations and court application. This has involved meetings and conference calls, as well as written correspondence with the FCA. This is to share relevant information amongst us and to avoid duplication where possible.

#### *Court application:*

As detailed above, there was a hearing on 27 November 2020. During the reporting period, time was spent preparing the application and statements, conference calls with JMW, liaising with the Committee to finalise the content of the application and serving the application to the relevant parties. In addition, time was also spent preparing for the hearing, and conference calls were held with JMW and counsel prior to the hearing.

The Liquidators also attended the hearing and conference calls and were held with JMW after the hearing in respect of the outcome and the next steps of the liquidation.

### 4 Creditors (claims and distribution)

Time spent in this category included the following:

- Maintaining creditor information on the electronic case management files as well as the physical case files;
- Reviewing creditor claims and documents that have been submitted;
- Analysing creditors' supporting documentation in conjunction with the bank transactions;
- Dealing with routine correspondence and queries;
- Taking telephone calls from creditors and addressing queries they may have;
- Dealing with PSUs who transferred funds to the Company after the commencement of the administration in error.

- Dealing with the Committee, convening meetings and reporting to the Committee and dealing with correspondence and queries;
- Regular meetings with the Committee; and
- Corresponding with the Committee on a regular basis.

## **APPENDIX 4**

### **MENZIES LLP DISBURSEMENTS RECOVERY POLICY**

#### **Category 1 Disbursements**

Specific expenditure relating to the administration of the insolvent estate and payable to an independent third party is recoverable without creditor approval. Such expenditure is made if funds are available from the insolvent estate. If funds are not available then payment is made from this firm's office account and reimbursed from the estate should funds become available.

Category 1 disbursements will generally comprise external supplies of incidental services specifically identifiable to the case. Typical items include legal fees, agents' fees, statutory advertising, insurance of assets, search fees, specific penalty bonding, telephone calls, postage, invoiced travel and properly reimbursed expenses incurred by personnel in connection with the case.

All such disbursements that have been paid from the estate are shown on the enclosed summary of our receipts and payments account.

#### **Category 2 Disbursements**

These are expenses that are directly referable to the administration of the insolvent estate but not involve a payment to an independent third party. They may include shared or allocated costs that may be incurred and that can be allocated to an estate on a proper and reasonable basis (e.g. photocopying).

Category 2 disbursements require creditor approval. These charges are generally in respect of storage at £40 per box per annum or part thereof and destruction at £3.50 per box, plus VAT, in respect of company records stored.

These records are usually destroyed one year after dissolution of the company and creditors will have been asked to approve resolutions for category 2 disbursements at the appropriate time.