

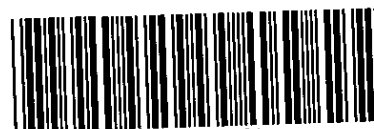
# LIQ03

## Notice of progress report in voluntary winding up



Companies House

WEDNESDAY



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A20

02/08/2017

#263

COMPANIES HOUSE

### 1 Company details

Company number 0 6 0 7 9 0 4 9

Company name in full Brookson (5358A) Limited

→ Filling in this form

Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s) Stephen

Surname Hunt

### 3 Liquidator's address

Building name/number Tavistock House South

Street Tavistock Square

Post town London

County/Region

Postcode W C 1 H 9 L G

Country

### 4 Liquidator's name ①

Full forename(s)

Surname

① Other liquidator

Use this section to tell us about  
another liquidator.

### 5 Liquidator's address ①

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other liquidator

Use this section to tell us about  
another liquidator.

# LIQ03

## Notice of progress report in voluntary winding up

### 6 Period of progress report

From date	<sup>d</sup> 0	<sup>d</sup> 6	<sup>m</sup> 0	<sup>m</sup> 7	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 6	
To date	<sup>d</sup> 0	<sup>d</sup> 5	<sup>m</sup> 0	<sup>m</sup> 7	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 7	

### 7 Progress report

☒ The progress report is attached

### 8 Sign and date

Liquidator's signature	Signature X SL	X						
Signature date	<sup>d</sup> 0	<sup>d</sup> 1	<sup>m</sup> 08	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 7	

# 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	IPU
Company name	Griffins
Address	Tavistock House South
	Tavistock Square
Post town	London
County/Region	
Postcode	W C 1 H 9 L G
Country	
DX	
Telephone	020 7554 9600



### Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

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



### Important information

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



### Where to send

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

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



### Further information

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

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

**Brookson (5358A) Limited**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**

Statement of Affairs £		From 06/07/2016 To 05/07/2017 £	From 06/07/2012 To 05/07/2017 £
	<b>ASSET REALISATIONS</b>		
NIL	Plant & Machinery	NIL	NIL
	Funds Received Pre Appointment	NIL	6,000.00
	Bank Interest Gross	5.45	40.46
		<u>5.45</u>	<u>6,040.46</u>
	Settlement monies	<u>6,000.00</u>	<u>22,600.00</u>
		6,000.00	22,600.00
	<b>COST OF REALISATIONS</b>		
	Specific Bond	NIL	90.75
	Preparation of S.of A.	NIL	5,000.00
	Liquidators Fees	9,625.00	16,725.00
	Land Registry searches	NIL	11.00
	Agents/Valuers Fees	NIL	150.00
	Legal Fees	NIL	4,577.50
	Legal Disbursements	NIL	14.70
	Corporation Tax	NIL	5.56
	VAT	25.40	25.40
	Statutory Advertising	NIL	408.12
	Other Property Expenses	NIL	11.00
		<u>(9,650.40)</u>	<u>(27,019.03)</u>
	<b>UNSECURED CREDITORS</b>		
(1,650.00)	Trade & Expense Creditors	NIL	NIL
(24,576.70)	HM Revenue & Customs - PAYE/NIC	NIL	NIL
(2,000.00)	HSBC Bank Plc	NIL	NIL
(11,953.80)	HM Revenue & Customs - VAT	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(40,180.50)</u>		<u>(3,644.95)</u>	<u>1,621.43</u>
	<b>REPRESENTED BY</b>		
	Bank 1 Deposit		1,621.43
	Trade Creditors		(1,325.00)
	Vat Control Account		1,325.00
			<u>1,621.43</u>

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Stephen Hunt  
Liquidator

**Brookson (5358A) Limited  
In Creditors' Voluntary Liquidation**

**Liquidator's Annual Progress Report to Members and Creditors  
for the year ending 5 July 2017**



## **Contents**

1. Introduction
2. Receipts and Payments Accounts
3. Realisation of Assets
4. Investigations
5. Statutory and Professional Compliance
6. Creditors' Communication, Claims and Distributions
7. Liquidator's Remuneration
8. Liquidator's Expenses and Disbursements
9. Quality of Service and Code of Ethics
10. Creditors' Rights
11. Next Report

## **Appendices**

- A. Statutory Information
- B. Receipts and payments account for the period 6 July 2016 to 5 July 2017, together with a cumulative account for the entire period of the liquidation
- C. Griffins' time analysis for the period 6 July 2016 to 5 July 2017, and for the entire period of the appointment, and Griffins' policy on charge out rates and disbursements in accordance with the Statement of Insolvency Practice 9
- D. Statutory and Creditor Compliance Tasks
- E. Creditors' Rights - Rules 18.9 and 18.34 of the Insolvency (England & Wales) Rules 2016 ("IR 2016")



## **1 Introduction**

On, 6 July 2012, Costas Morfakis ("Mr Morfakis") of Axiom Recovery LLP was appointed Liquidator of Brookson (5358A) Limited, a Project Control Consultancy, at a meeting of creditors.

Following a High Court Order dated 8 March 2013, Mr Morfakis was removed as Liquidator and Kevin Hellard of Grant Thornton and I were appointed as Joint Liquidators in his place.

Kevin Hellard was removed as Joint Liquidator by an Order of the High Court dated 27 November 2013.

In accordance with Rules 18.3 and 18.7 of the Insolvency (England & Wales) Rules 2016, I now provide creditors with an annual progress report, which should be read in conjunction with my previous reports. Additional information in respect of the company and office holder/s is attached at Appendix A.

## **2 Receipts and Payments Accounts**

An account of my receipts and payments for the period 6 July 2016 to 5 July 2017 is at Appendix B, together with a cumulative account for the entire period of the liquidation and a comparison with the amounts recorded in the Statement of Affairs.

Please note that the receipts and payments account contains information from prior to my appointment and, as such, I am unable to verify these figures.

The receipts and payments account reflects actual payments made to date rather than accrued unpaid expenses (see Section 8 for total expenses incurred to date).

## **3 Realisation of Assets**

### Director's loan account and illegal dividends

As previously advised, the director has been making contributions of £500 per month to settle his outstanding director's loan account and illegal dividends that were paid by the Company. The sum of £6,000 has been received during this period. A further £1,092 is outstanding to be paid in the next three months.

### Bank Interest Net

Interest in respect of funds held in the liquidation account of £5.45 has been received.

## **4 Investigations**

The purpose of my appointment was to investigate the affairs of the Company, the conduct of the director and the conduct of the former office-holder, Mr Morfakis; specifically to establish whether Mr Morfakis was in breach of or had neglected his statutory duties.



I submitted claims against the insolvency bonds of Mr Morfakis across the portfolio of cases on which I was appointed. I have agreed settlement in a number of these cases but not in relation to this estate. My investigations into Mr Morfakis' conduct are now complete.

My investigations into the affairs of the Company and the conduct of the director are ongoing. My progress in this regard will be detailed in my next report, or sooner if the administration of the liquidation is complete.

## **5 Statutory and Professional Compliance**

I am required to meet a considerable number of statutory and regulatory obligations. This work does not provide a direct financial benefit to creditors but is a necessary requirement of the liquidation process.

Whilst these tasks do not have a direct benefit in enhancing realisations for the insolvent estate, they assist in the efficient and compliant progression of the liquidation. This ensures that my staff and I carry out our work to high professional standards.

In order that creditors can have an informed understanding of these matters, they are listed at Appendix D.

## **6 Creditors' Communication, Claims and Distributions**

I am required, as Liquidator, to undertake certain tasks in relation to creditors' claims. This work does not provide a direct financial benefit to the liquidation estate but is essential to the administration of the case.

In order that creditors can have an informed understanding of these matters, they are also listed at Appendix D.

The current position as regards creditors' claims is detailed below.

### **Secured Creditors**

An examination of the Company's mortgage register held by the Registrar of Companies shows that the Company has no outstanding charges over its assets.

### **Preferential Creditors**

No preferential claims have been received in the liquidation and none are expected.

### **Unsecured Creditors**

The Statement of Affairs showed four unsecured creditors with a total value of £40,180.50.



I have received four claims totalling £81,645.40 but I have not adjudicated on any of these claims yet.

The claims received to date are much higher than what was initially anticipated in the Statement of Affairs due to a large claim being submitted by HM Revenue & Customs in respect of Corporation Tax.

Dividend prospects are presently uncertain.

## **7 Liquidator's Remuneration**

Please note that as of 6 April 2015, Griffins introduced a new time recording analysis, which provides a more comprehensive breakdown of time my staff and I have recorded in the administration of this case. This has resulted in additional time recording categories being utilised. Should you require any further clarification, please contact me.

The time my staff and I have recorded as incurred for the period 6 July 2016 to 5 July 2017 totals £5,934.12, which represents 20.92 hours at an average charge out rate of £283.70 per hour.

The time my staff and I have recorded as incurred for the entire period of my appointment totals £40,559.97, which represents 131.75 hours at an average charge out rate of £307.86 per hour.

The time incurred is recorded in my time analysis report, attached at Appendix C, under the following classifications:

- Administration & Planning
- Creditors
- Investigations
- Legal & Litigation
- Realisations of Assets

The report also provides details of the activity costs incurred by staff grade to date, together with details of charge out rates.

It is Griffins' policy to use the most junior grade of staff compatible with the efficient conduct of a matter, in order to ensure that costs to creditors are kept to a minimum. Where investigation work has been undertaken, this will normally be carried out by a senior member of staff and partner. Such investigations are conducted with regard to the level of assets available to fund any further investigations or actions, and the materiality of any matters that have been identified.

At the meeting of creditors held on 27 August 2014, it was approved that the Liquidator be remunerated on the basis of time properly spent by the Liquidator and his staff in dealing



with the Liquidation. To date, I have drawn the sum of £16,125.00 in respect of my fees for acting as Liquidator.

Further information regarding remuneration can be found in "A Creditors' Guide to Liquidators' Fees", which is available for download at <http://www.griffins.net/technical/>. A hard copy can be provided upon request.

In addition, creditors can find more information on the insolvency process at <http://www.creditorinsolvencyguide.co.uk/>.

## 8 Liquidator's Expenses and Disbursements

'Expenses' are amounts properly payable by the office holder from the estate. These may include, but are not limited to, legal and agents' fees.

'Disbursements' are expenses met by the office holder and reimbursed to the office holder in connection with an insolvency appointment and will fall into two categories, category 1 and category 2. These are further explained at Appendix C.

In accordance with our current policy, no category 2 disbursements have been drawn since my appointment.

The table below details the expenses and category 1 disbursements incurred in the period and these total £25.40.

Payee Name	Nature of Expense Incurred	Amount Incurred and unpaid in previous periods £	Amount Incurred this period £	Amount paid during this period £	Amount Outstanding £
HM Revenue & Customs	VAT Irrecoverable	0.00	25.40	25.40	0.00
	<b>TOTAL</b>	<b>0.00</b>	<b>25.40</b>	<b>25.40</b>	<b>0.00</b>

## 9 Quality of Service and Code of Ethics

My staff and I endeavour to provide the best possible standards at all times.

I am bound by the Insolvency Code of Ethics when carrying out all professional work relating to insolvency appointments and details of this can be found at <http://www.icaew.com/en/members/regulations-standards-and-guidance/ethics/code-of-ethics-d>.

If you would like to make any comments, suggestions, raise a query or make a complaint about the service you have received, please contact my team manager, Ian Ramsay in the first instance at [ian.ramsay@giffins.net](mailto:ian.ramsay@giffins.net). I will provide a response within 21 working days.



## 10 Creditors' Rights

Creditors are advised that Rule 18.9 IR 2016 provides the right to make a request to the Liquidator for further information about remuneration or expenses which have been itemised in this report.

Further, Rule 18.34 IR 2016, provides creditors with a right to challenge the Liquidator's remuneration and expenses.

Copies of these Rules are attached at Appendix E, for your information.

## 11 Next Report

I will report again following the next anniversary of the liquidation, or sooner if the administration of the liquidation is complete.

  
**Stephen Hunt**  
Liquidator

Date: 31 July 2017



**Brookson (5358A) Limited  
In Creditors' Voluntary Liquidation**

Statutory information



**Company information**

Company name: Brookson (5358A) Limited  
Trading name: As above  
Company registration number: 06079049  
Nature of business: Project controls consultancy  
Registered office: Griffins, Tavistock House South, Tavistock Square, London, WC1H 9LG  
Previous registered office: Suite 2, 1st Floor, Turnpike Gate House, Birmingham Road, Alcester, B49 5JG  
Trading address: Brunel House, 340 Firecrest Court, Centre Park, Warrington, Cheshire, WA1 1RG

**Liquidator's details**

Name: Stephen Hunt  
IP number: 9183  
Name of firm: Griffins  
Firm's address: Tavistock House South, Tavistock Square, London WC1H 9LG  
Date of Successor Appointment: 8 March 2013

**Former Liquidator's details**

Name: Kevin John Hellard  
IP number: 8833  
Name of firm: Grant Thornton  
Firm's address: 30 Finsbury Square, London, EC2P 2YU  
Date of Appointment: 8 March 2013  
Date ceased to act: 27 November 2013

Name: Costas Morfakis  
IP number: 9471  
Name of firm: Axiom Recovery LLP  
Firm's address: Suite 2, 1st Floor, Turnpike Gate House, Birmingham Road, Alcester, B49 5JG  
Date of Appointment: 6 July 2012  
Date ceased to act: 8 March 2013



**Brookson (5358A) Limited  
In Creditors' Voluntary Liquidation**

Receipts and payments account for the period 6 July 2016 to 5 July 2017, together with  
a cumulative account for the entire period of the liquidation



**Brookson (5358A) Limited**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**

Statement of Affairs £	From 06/07/2016 To 05/07/2017 £	From 06/07/2012 To 05/07/2017 £
NIL		
ASSET REALISATIONS		
Plant & Machinery	NIL	NIL
Funds Received Pre Appointment	NIL	6,000.00
Bank Interest Gross	5.45	40.46
	<u>5.45</u>	<u>6,040.46</u>
Settlement monies	<u>6,000.00</u>	<u>22,600.00</u>
	6,000.00	22,600.00
COST OF REALISATIONS		
Specific Bond	NIL	90.75
Preparation of S.of A.	NIL	5,000.00
Liquidators Fees	9,625.00	16,725.00
Land Registry searches	NIL	11.00
Agents/Valuers Fees	NIL	150.00
Legal Fees	NIL	4,577.50
Legal Disbursements	NIL	14.70
Corporation Tax	NIL	5.56
VAT	25.40	25.40
Statutory Advertising	NIL	408.12
Other Property Expenses	NIL	11.00
	<u>(9,650.40)</u>	<u>(27,019.03)</u>
UNSECURED CREDITORS		
(1,650.00) Trade & Expense Creditors	NIL	NIL
(24,576.70) HM Revenue & Customs - PAYE/NIC	NIL	NIL
(2,000.00) HSBC Bank Plc	NIL	NIL
(11,953.80) HM Revenue & Customs - VAT	NIL	NIL
	<u>NIL</u>	<u>NIL</u>
<u>(40,180.50)</u>	<u>(3,644.95)</u>	<u>1,621.43</u>
REPRESENTED BY		
Bank 1 Deposit		1,621.43
Trade Creditors		(1,325.00)
Vat Control Account		1,325.00
		<u>1,621.43</u>

  
 Stephen Hunt  
 Liquidator

**Brookson (5358A) Limited  
In Creditors' Voluntary Liquidation**

Griffins' time analysis for the period 6 July 2016 to 5 July 2017, and for the entire period of the appointment, and Griffins' policy on charge out rates and disbursements, in accordance with the Statement of Insolvency Practice 9

## Time Entry - Detailed SIP9 Time & Cost Summary

BROOK11 - Brookson (5358A) Limited  
From: 06/07/2016 To: 05/07/2017  
Project Code: POST

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Administrators	Total Hours	Time Cost (£)	Average Hourly Rate (£)
STATUTORY : Statutory Duties	0.58	2.17	4.58	4.00	7.58	17.58	4,803.29	273.17
Administration & Planning	0.58	2.17	4.58	4.00	7.58	17.58	4,803.29	273.17
INV-FURTH : Further Investigations	0.00	0.17	2.00	0.00	0.00	2.17	732.91	338.27
INV-INT : Initial Investigations	0.00	0.17	0.75	0.00	0.00	0.82	314.17	342.73
Investigations	0.00	0.33	2.75	0.00	0.00	3.08	1,047.08	339.59
LIT-POST : Post-action litigation	0.00	0.00	0.08	0.00	0.00	0.08	27.92	335.04
Legal & Litigation	0.00	0.00	0.08	0.00	0.00	0.08	27.92	335.04
ASS-OLA : Directors Loan Accounts	0.00	0.00	0.17	0.00	0.00	0.17	55.83	334.98
Realisations of Assets	0.00	0.00	0.17	0.00	0.00	0.17	55.83	334.98
Total Hours	0.58	2.58	7.58	4.00	7.58	20.92	5,934.12	283.70
Total Fees Claimed							16,125.00	

## Time Entry - Detailed SIP9 Time & Cost Summary

BROOK11 - Brookson (5358A) Limited  
From: 08/03/2013 To: 05/07/2017  
Project Code: POST

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Administrators	Total Hours	Time Cost (£)	Average Hourly Rate (£)
ADMIN : Administration Work	0.00	0.06	0.00	0.00	4.83	4.92	1,500.44	305.17
ADVERT : Advertising	0.00	0.00	0.00	0.00	0.42	0.42	127.08	304.99
DIARY : Case Diary	0.00	0.00	0.00	0.00	1.06	1.08	320.02	295.40
REVIEWS : Case Reviews	0.17	0.50	2.42	0.00	8.00	11.08	3,586.24	321.77
SIP12 : Records of Meetings	0.00	0.00	0.00	0.00	0.42	0.42	127.08	304.99
SIP7 : R&P Accounts	0.08	0.00	0.00	0.00	0.00	0.08	45.42	545.04
SPECBOND : Specific Bond	0.00	0.00	0.00	0.00	0.25	0.25	77.09	308.36
STAT : Statutory	0.17	0.00	0.00	0.00	0.38	0.25	106.56	426.64
STATUTORY : Statutory Duties	1.00	4.08	4.58	5.75	20.50	30.42	8,407.83	278.42
TAX : Tax	0.17	0.08	0.00	0.00	1.87	1.92	545.83	284.78
VAT : Vat Returns	0.00	0.00	0.00	0.00	0.17	0.17	50.00	300.00
CASG : Cashiering Functions	0.00	0.25	0.17	0.42	3.42	4.25	1,016.68	238.22
CASHER : Cashiering Functions	0.00	0.08	0.00	0.17	1.92	1.83	523.35	285.48
<b>Administration &amp; Planning</b>	<b>1.58</b>	<b>5.08</b>	<b>7.17</b>	<b>6.33</b>	<b>42.75</b>	<b>57.08</b>	<b>18,413.73</b>	<b>287.54</b>
CRED : Creditor Related Work	0.00	0.00	0.00	0.00	0.83	0.83	254.17	305.00
PROREPORT : Progress Report	0.17	0.00	0.00	0.00	7.00	7.17	2,205.83	307.79
<b>Creditors</b>	<b>0.17</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>7.83</b>	<b>8.00</b>	<b>2,460.00</b>	<b>307.50</b>
BOND1 : Bond Claim - Proving or Recovery of money	0.00	0.00	0.50	0.00	0.33	0.83	278.25	331.50
BOND2 : Bond Claim Parallel Costs	0.00	0.00	0.00	0.00	6.17	6.17	1,850.00	300.00
INV : Investigation	0.00	0.00	0.00	0.00	9.75	9.75	2,978.58	305.60
INV-FURT : Further Investigations	0.08	0.75	2.17	0.00	7.92	10.83	3,561.87	327.85
INV-INT : Initial Investigations	0.00	0.17	0.75	0.00	1.92	2.83	914.57	322.79
INVREVIEW : Investigation Case Review	0.00	0.00	11.25	0.00	0.00	11.25	4,275.00	380.00
ANTE : Antecedent Transactions	0.00	0.00	0.75	0.00	0.00	0.75	270.42	360.56
<b>Investigations</b>	<b>0.08</b>	<b>0.92</b>	<b>15.42</b>	<b>0.00</b>	<b>26.08</b>	<b>42.42</b>	<b>14,117.50</b>	<b>332.83</b>
LEGL : Legal Issues	0.08	0.25	0.75	0.00	8.75	9.83	3,114.18	318.70
LIT-POST : Post-action litigation	0.00	0.00	0.08	0.00	0.00	0.08	27.92	335.04
LIT-PRE : Pre-action litigation	0.00	0.00	0.00	0.00	2.33	2.33	735.83	315.38
<b>Legal &amp; Litigation</b>	<b>0.08</b>	<b>0.25</b>	<b>0.83</b>	<b>0.00</b>	<b>11.08</b>	<b>12.23</b>	<b>3,877.93</b>	<b>316.57</b>
PROPERTY : Property	0.08	0.00	0.00	0.00	0.00	0.08	47.08	584.98
ASS-DIA : Directors Loan Accounts	0.00	0.00	0.33	0.00	0.50	0.83	274.15	328.98
ASS-GOOD : Goodwill/Intellectual Property	0.00	0.00	0.00	0.00	0.17	0.17	51.67	310.02
ASS-OTHER : Other Assets	0.00	0.00	0.00	0.00	1.42	1.42	438.17	310.00
ASST : Asset Realisation	0.00	0.00	0.00	0.00	3.50	3.50	1,052.92	300.83
BANK : Bank Accounts	0.00	0.00	0.00	0.00	5.58	5.58	1,698.75	304.25
BOOKDEBTS : Book Debts	0.00	0.00	0.00	0.00	0.42	0.42	127.08	304.99
<b>Realisations of Assets</b>	<b>0.08</b>	<b>0.00</b>	<b>0.33</b>	<b>0.00</b>	<b>11.58</b>	<b>12.80</b>	<b>3,690.82</b>	<b>307.57</b>
<b>Total Hours</b>	<b>2.00</b>	<b>6.25</b>	<b>23.75</b>	<b>6.33</b>	<b>99.33</b>	<b>131.75</b>	<b>40,558.97</b>	<b>307.86</b>
<b>Page 1 of 2</b>	<b>Version 15-01-14</b>						<b>16,125.00</b>	<b>05 July 2017 10:30</b>
<b>Total Fees Claimed</b>								

# Time Entry - Detailed SIP9 Time & Cost Summary

BROOK11 - Brookson (5358A) Limited  
From: 08/03/2013 To: 05/07/2017  
Project Code: POST

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Administrators	Total Hours	Time Cost (£)	Average Hourly Rate (£)
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## **GRIFFINS POLICY ON CHARGEOUT RATES AND DISBURSEMENTS**

### **SCHEDULE OF STANDARD CHARGEOUT RATES IN RESPECT OF GRIFFINS PARTNERS AND STAFF AS AT 1 OCTOBER 2016**

In accordance with Statement of Insolvency Practice 9 "Payments to insolvency office holders and their associates" the following hourly charge-out rates will be applied when fixing the office holders remuneration:

<b>Grade of staff</b>	<b>Hourly Rate</b>
Partners	£400 - £565
Senior Managers	£420 - £450
Managers	£325 - £410
Investigators	£245 - £390
Administrators	£150 - £325
Cashiering	£100 - £275
Support & Other Specialists	£ 70 - £200

The above rates are reviewed annually on 1 October.

It is not our policy to charge for support staff (secretarial, filing, reception) unless such staff are working on an individual matter for more than 7 hours in which case the rate for an Administrator may be applied.

Time is charged in minimum units of 5 minutes for all staff.

### **DISBURSEMENTS**

*This note applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Best practice guidance<sup>1</sup> requires that such charges should be disclosed to those who are responsible for approving the office holders remuneration, together with an explanation of how those charges are made up and the basis on which they are arrived at.*

### **DEFINITIONS**

Practice guidance<sup>1</sup> classifies expenses into two broad categories:

- Category 1 expenses (approval not required) – specific expenditure that is directly related to a particular insolvency case, where the cost of the expense incurred is referable against an independent external suppliers' invoice or published tariff of charges; mileage is charged at the appropriate H M Revenue & Customs rate.
- Category 2 expenses: These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to an appointment on a proper and reasonable basis.

### **CHARGING POLICY**

- Category 1 expenses (approval not required) – all such items are re-charged to the case as they are incurred.
- Category 2 expenses (approval required) – resolutions to be sought from creditors if this category of expense arises.

1 - Statement of Insolvency Practice 9 (England and Wales)

## **GRIFFINS HISTORIC CHARGEOUT RATES SINCE 1 OCTOBER 2010**

<b>STAFF GRADE</b>	<b>1 October 2010</b>	<b>1 October 2011</b>	<b>1 October 2012</b>
	£	£	£
Partners	495	495-545	495-545
Managers	300-350	300-395	300-395
Senior Investigators	300-350	325-380	325-380
Administrators/Investigators	180-280	200-300	200-300
Junior Administrators/Junior Investigators	140-190	145-190	145-250
Support Staff	70-170	70-180	70-180

<b>STAFF GRADE</b>	<b>1 October 2013</b>	<b>1 May 2014</b>
	£	£
Partners	495-565	450-565
Managers	300-400	300-450
Senior Investigators	325-385	325-425
Administrators/Investigators	200-310	200-360
Junior Administrators/Junior Investigators	150-250	150-250
Support Staff	70-220	70-220

<b>STAFF GRADE</b>	<b>1 October 2014</b>
	£
Partners	450-565
Managers	325-450
Investigators	285-380
Administrators	150-310
Support/Cashier Managers	220-275
Support/Cashier Staff	70-180

<b>STAFF GRADE</b>	<b>1 October 2015</b>
	£
Partners	450-565
Senior Manager	400-450
Managers	325-390
Investigators	280-390
Administrators	150-325
Cashiering	100-275
Support	70-200

The above rates are reviewed annually on 1 October. However, following the appointment of a new partner on the 1 May 2014 a rate review took place. It is not our policy to charge for support staff (secretarial, filing, reception) unless such staff are working on an individual matter for more than 7 hours in which case the rate for an Administrator may be applied. Time is charged in minimum units of 5 minutes for all staff.



### **Post-Appointment Statutory and Professional Compliance**

I am required, as Liquidator, to undertake the following tasks:

- On appointment, set the case up on our insolvency database and maintain and separately record all financial records on the case, including the recording of creditors and employees;
- Notify creditors of my appointment;
- Obtain a Specific Penalty bond for a sum equal to the company's assets subject to the statutory provisions. This bond covers any losses to the estate for any possible fraud or dishonesty of the Liquidator whether acting alone or in collusion with one or more persons and/or the fraud and dishonesty of any person committed with the connivance of the Liquidator;
- Undertake a one month case review to ensure that all initial statutory matters have been completed, asset realisation and initial investigations commenced;
- Obtain the company's books and records;
- Establish whether the company has an occupational pension scheme and, if so, comply with Section 120 Pensions Act 2004 and submit a S120 Notice to the Pension Protection Fund, The Pension Regulator and to the Trustees of the Pension Fund if applicable.

### **Annual Statutory and Professional Compliance**

In addition to the tasks identified above, each year I am required to undertake the following statutory tasks:

- Prepare and issue an Annual Report to creditors;
- Undertake bi-annual case reviews to ensure that the case is being progressed efficiently and in a timely manner; statutory duties have been undertaken; consider any ethical, money laundering and Bribery Act 2010 issues pertaining to the case and ensure that any identified matters are addressed;
- Submit VAT returns to HM Revenue and Customs, to ensure that any VAT refunds or payments are received or paid;
- Submit annual Tax returns to HM Revenue and Customs;
- Maintain the case cash book, by undertaking quarterly reconciliations.

### **Closing Statutory and Professional Compliance**

After concluding all case related matters, I am required to:

- Prepare and submit a letter to HM Revenue and Customs requesting clearance to close the case;
- Reconcile the cash book ready for closure;
- Prepare and issue the *Final Account* to creditors;
- If the creditors have so resolved, obtain my release from the Secretary of State;
- Retain and store the liquidation records for a minimum of 6 years after the vacation of office.

- **Tasks in relation to creditors' claims**

- Ensure that all creditors' claims are listed with the correct addresses and references and that the amount claimed correlates to the Statement of Affairs;
- Enter proof of debt forms/claims as and when they are received;
- Deal with enquires from creditors;
- Adjudicate on claims;
- Declare and pay a dividend, if sufficient funds are available.

**Brookson (5358A) Limited  
In Creditors' Voluntary Liquidation**

Creditors' rights - Rules 18.9 and 18.34 of the Insolvency (England & Wales) Rules 2016

## **Insolvency (England & Wales) Rules 2016**

### **Rule 18.9**

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

(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).

#### **Rule 18.34**

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

(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").