

The Insolvency Act 1986**Liquidator's Progress
Report****S. 192**

Pursuant to section 192 of the
Insolvency Act 1986
To the Registrar of Companies

For official use

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Company Number

06334945

Name of Company

(a) Insert full
name of company

(a) ABALONE MAINTENANCE SERVICES LIMITED

(b) Insert full
name(s) and
address(es)

I/We (b)

Richard Frank Simms and Carolynn Jean Clark of F A Simms & Partners
Limited, Insol House
39 Station Road
Lutterworth
Leicestershire
LE17 4AP
United Kingdom

the liquidator(s) of the company attach a copy of my/our Progress Report
under section 192 of the Insolvency Act 1986

Signed

Date 06/08/2012

Presenter's name,
address and
reference
(if any)

Richard Frank Simms
F A Simms & Partners Limited
Insol House
39 Station Road
Lutterworth
Leicestershire
LE17 4AP
United Kingdom

For Official Use

Liquidation Section

Post Room

FRIDAY



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10/08/2012

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COMPANIES HOUSE

Statement of Receipts and Payments under section 192 of the Insolvency Act 1986

Name of company Abalone Maintenance Services Limited

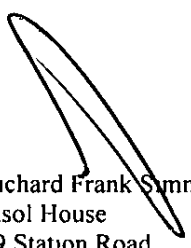
Company's registered number 06334945

State whether members' or creditors' voluntary winding up Creditors

Date of commencement of winding up 5 July 2011

Date to which this statement is brought down 4 July 2012

Name and address of liquidator F A Simms & Partners Limited
Insol House
39 Station Road
Lutterworth
Leicestershire
LE17 4AP
United Kingdom



Richard Frank Simms
Insol House
39 Station Road
Lutterworth
Leicestershire
LE17 4AP
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Carolynn Jean Clark
Insol House
39 Station Road
Lutterworth
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**Liquidator's statement of account
under section 192 of the Insolvency Act 1986**

Realisations			
Date	Of whom received	Nature of assets realised	Amount
		Brought forward	4,197 10
04/08/2011	Wolseley UK	Sundry Refund	210 00
05/09/2011	Barclays Bank Plc	Bank Interest Gross	0 04
05/12/2011	Barclays Bank Plc	Bank Interest Gross	0 05
05/03/2012	Barclays Bank Plc	Bank Interest Gross	0 03
06/06/2012	Barclays	Bank Interest Gross	0 01
		Carried forward	4,407 23

Note No balance should be shown on this account but only the total realisations and

Disbursements			
Date	To whom paid	Nature of disbursements	Amount
		Brought forward	1,212 10
19/07/2011	Courts Advertising Ltd	Vat Receivable	26 10
19/07/2011	Summers Nigh Law	Solicitors fees	300 00
19/07/2011	Summers Nigh Law	Vat Receivable	60 00
19/07/2011	Courts Advertising Ltd	Statutory Advertising	130 50
21/07/2011	F A Simms & Partners Ltd	Statement of Affairs Disbursements	43 57
21/07/2011	F A Simms & Partners Ltd	Vat Receivable	8 71
21/07/2011	F A Simms & Partners Ltd	Vat Receivable	350 00
21/07/2011	F A Simms & Partners Ltd	Statement of Affairs Fee	1,750 00
03/08/2011	Insolv Technologies Ltd	IT Charges	110 00
13/01/2012	F A Simms & Partners Ltd	Statement of Affairs Fee	290 50
13/01/2012	F A Simms & Partners Ltd	Vat Receivable	58 10
		Carried forward	4,339 58

disbursements which should be carried forward to the next account

Analysis of balance

Total Realisations		£	4,407 23
Total Disbursements			4,339 58
	Balance £		67 65
This balance is made up as follows			
1 Cash in hands of liquidator			0 00
2 Balance at Bank			67 65
3 Amount in Insolvency Services Account			0 00
4 Amounts invested by liquidator			
Less the cost of investments realised			
Balance	£	0 00	0 00
5 Accrued Items			0 00
Total Balance as shown above			67 65

The liquidator should also state –

- (1) The amount of the estimated assets and liabilities at the date of the commencement of the winding up

	£
Assets (after deducting amounts charged to secured creditors –including the holders of floating charges)	3,117 73
Liabilities-Fixed charge creditors	0 00
Floating charge holders	0 00
Preferential creditors	0 00
Unsecured creditors	23,461 29

- (2) The total amount of the capital paid up at the date of the commencement of the winding up-

Paid up in cash	1 00
Issued as paid up otherwise than for cash	

- (3) The general description and estimated value of any outstanding assets (if there is insufficient space here, attach a separate sheet)

- (4) Why the winding up cannot yet be concluded

Process of closure

- (5) The period within which the winding up is expected to be completed

2 Months

**Abalone Maintenance Services Limited
In Creditors' Voluntary Liquidation**

Annual Progress Report

6 July 2012

CONTENTS

- 1 Introduction
- 2 Background
- 3 Asset realisations
- 4 Investigations
- 5 Creditors' claims
- 6 Dividend prospects
- 7 Costs and expenses
- 8 Creditors' Right to Request Information Under Rule 4 49e and Their Right to Challenge the Liquidator's Remuneration and Expenses Under Rule 4 131
- 9 Conclusion

APPENDICES

- 1 Receipts and payments account
 - 2 Analysis of time costs
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1. **INTRODUCTION**

The purpose of this report is to detail my acts and dealing as Liquidator and it should be read in conjunction with my previous correspondence to Creditors

2 **BACKGROUND**

REGISTERED NAME, ADDRESS AND NUMBER

Abalone Maintenance Services Limited (In Liquidation), ("the Company")

Registered office Insol House, 39 Station Road, Lutterworth, Leicestershire, LE17 4AP,
United Kingdom

Registered Number 06334945

APPOINTMENT DETAILS

Richard Frank Simms and Carolynn Jean Clark were appointed Joint Liquidators of Abalone Maintenance Services Limited on the 5 July 2011

The members' and creditors' meetings were held on 05 July 2011, when I was appointed Liquidator of the company

The company's principal activity was Domestic Central Heating Maintenance and Repairs

The main causes of failure were the change in the economic climate and a down turn in business. As a result the Company came under increasing pressure from its creditors

3. **ASSET REALISATIONS**

The Joint Liquidators Receipts and Payment account for the period from 05 July 2011 to 05 July 2012 is attached at appendix 1

Assets

Cash at Bank

It was estimated that there was £118 00 in the Company bank account however upon appointment it was discovered by the Joint Liquidators that there were no collectable funds in that account

Sundry Refund

A refund of £1,197 10 has been received in respect of funds overpaid by the Company to Gas Safe Central Heating. A further refund of £210 00 from Wolseley has also been received

Cash in Hand

The sum of £3,000 00 was received from the Director of the Company as a contribution towards the cost of the Liquidation. These funds were held in the F A Simms and Partners Client account and transferred to the estate account upon the appointment of the Joint Liquidators

Bank Interest

Since the appointment all funds have been held in interest bearing accounts and interest totalling £0 13 has been received

4 INVESTIGATION

The directors conduct report was submitted to the Insolvency Service. The contents of this report are confidential

5. CREDITORS CLAIMS

The trade and expense creditors, as per the statement of affairs totalled £17,775 00. Please be advised that as it is unlikely that there will be a dividend payable to unsecured creditors on current estimates it is not my intention to pursue claims at this time

6. DIVIDEND PROSPECTS

Secured Creditors

There were no secured creditors in this matter

Preferential creditors

There were no preferential creditors in this matter

Unsecured creditors

Creditors' claims, as per the statement of affairs totalled £17,775 00 and the agreed creditors' claims amounted to £6,393 92. Unfortunately, there are insufficient funds to pay a dividend to any class of creditor

7 COSTS AND EXPENSES

The payments shown on the summary of the Receipts and Payments at Appendix I are in the main self-explanatory

Pre-Appointment Remuneration

The members and creditors previously authorised the payment of a fee of £2,040 50 and disbursements of £161 10 for assistance with the statement of affairs and producing and circulating the notices for the meetings of members and creditors prior to my appointment at a meeting held on 05 July 2012. An amount of £2,040 50 has been drawn of fee and £43 57 on account of these costs

These costs were paid from first realisations on appointment and are shown in the enclosed receipts and payments account

Joint Liquidators' Remuneration

The Joint Liquidators remuneration was drawn in accordance with Insolvency Rules 1986 S4 127(2)(b) on a time cost basis in relation to this assignment, as authorised by creditors at the S98 Meeting in accordance with the following resolution

"That the Joint Liquidators are authorised to draw their remuneration on the basis of time properly spent by them and their staff, such time costs to be drawn on account from time to time as funds permit "

Summary of Costs

The Joint Liquidators time costs for the period 05 July 2012 to 05 July 2012 totals £1,018 50 representing 9 10 hours at an average hourly rate of £111 92. No costs have been drawn on account of this. The time costs are detailed at appendix 2. These figures include an increase in charge out rates effective from 1 July 2011. The Statement of Insolvency Practice 9 "A Creditors guide to Insolvency Practitioners Fees" and our charge out rates and disbursement details may be found on our website. Should you require a copy of these documents to be sent to you please contact my office.

Joint Liquidators' Disbursements

The Joint Liquidators category 1 disbursements for the period 05 July 2011 to 05 July 2012 are listed below and represent the simple reimbursement of actual out of pocket payments made on behalf of the assignment. They are as follows:

	£
Insolvency Bond	30 00
Statutory Advertising	130 50
IT Charges	110 00
TOTAL	<u>270.50</u>

The Joint Liquidators category 2 disbursements for the period 05 July 2011 to 05 July 2012 are listed below, this may include an element of overhead charges in accordance with the resolution passed by creditors at a meeting held on 05 July 2012. The basis of calculation of this category of disbursement was disclosed to creditors prior to the resolution being passed. Disbursements of this nature incurred to date are as follows:

	£
Post	5 62
Photocopying	4 80
Post (Reporting to Creditors)	4 68
Telephone	0 99
Hire of Room	60 00
Travel	112 50
TOTAL	<u>188 59</u>

Other professional Costs

Solicitors

Summers Nigh Law were instructed as legal advisors in relation to the dismissal of a winding up petition. Their costs have been agreed on the basis of their standard hourly charge out rates, plus disbursements and VAT. The solicitors fees for the period amount to £300 00. The solicitors total time costs from the date of appointment have been paid in full.

8. FURTHER INFORMATION

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

9 CONCLUSION

I shall be continuing my administration of the liquidation and hope to finalise matters shortly.

If you require any further information please contact this office.

Yours faithfully



RF Richard Frank Simms
Joint Liquidator
For and on behalf of
Abalone Maintenance Services Limited

Enc

**Abalone Maintenance Services Limited - In Creditors Voluntary Liquidation
Joint Liquidators' Abstract of Receipts & Payments**

From 05 July 2011 To 05 July 2012

S of A £	As Previously Reported	05/07/11 to 05/07/12	Total £
RECEIPTS			
118 Cash at Bank	NIL	NIL	NIL
NIL Bank Interest Gross	NIL	0 13	0 13
NIL Sundry Refund	1 197 10	210 00	1,407 10
3,000 Cash in Hand	3,000 00	NIL	3,000 00
<u>3,118</u>	<u>4,197 10</u>	<u>210 13</u>	<u>4,407 23</u>
PAYMENTS			
Statement of Affairs Fee	NIL	2,040 50	2,040 50
Statutory Advertising	NIL	130 50	130 50
Bank Charges	15 00	NIL	15 00
Sundry Payment	1,197 10	NIL	1,197 10
Statement of Affairs Disbursements	NIL	43 57	43 57
IT Charges	NIL	110 00	110 00
Solicitors fees	NIL	300 00	300 00
Vat Receivable	NIL	502 91	502 91
	<u>1,212 10</u>	<u>3,127 48</u>	<u>4,339 58</u>
CASH IN HAND	<u>2,985 00</u>	<u>(2,917 35)</u>	<u>67 65</u>

Joint Liquidator's Remuneration Schedule
Abalone Maintenance Services Limited
Between 05 July 2011 and 05 July 2012

Classification of work function	Partner/ Director	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost	Average Hourly Rate
Administration & Planning	0 00	0 00	0 00	6 10	6 10	739 00	121 15
Investigations	0 00	0 00	0 00	0 90	0 90	113 00	125 56
Realisation of Assets	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Trading	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Creditors	0 00	0 00	0 00	2 10	2 10	166 50	79 29
Case Specific Matters	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Total hours	0 00	0 00	0 00	9 10	9 10		
Time costs	0 00	0 00	0 00	1,018 50	1,018 50		
Average hourly rate	0 00	0 00	0 00	111 92	111 92		

Description	Total Incurred £	Total Recovered £
Photocopying	4 80	0 00
Telephone	0 99	0 00
General Correspondence	5 62	1 56
Report of Meeting	4 68	0 00
Travel	112 50	0 00
Hire of Room	60 00	0 00
Insolvency Bond	30 00	0 00
Totals	218 59	1 56

Total time spent in administering the Assignment	Hours	9 10
Total value of time spent	£	1,018 50
Total Joint Liquidator's fees charged to date	£	0 00

SIP9 Guide to Liquidators' Fees (E & W)

A CREDITORS' GUIDE TO LIQUIDATORS' FEES ENGLAND AND WALES

1 Introduction

- 1 1 When a company goes into liquidation the costs of the proceedings are paid out of its assets. The creditors, who hope to recover some of their debts out of the assets, therefore have a direct interest in the level of costs, and in particular the remuneration of the insolvency practitioner appointed to act as liquidator. The insolvency legislation recognises this interest by providing mechanisms for creditors to fix the basis of the liquidator's fees. This guide is intended to help creditors be aware of their rights to approve and monitor fees, explains the basis on which fees are fixed and how creditors can seek information about expenses incurred by the liquidator and challenge those they consider to be excessive.

2 Liquidation procedure

- 2 1 Liquidation (or 'winding up') is the most common type of corporate insolvency procedure. Liquidation is the formal winding up of a company's affairs entailing the realisation of its assets and the distribution of the proceeds in a prescribed order of priority. Liquidation may be either voluntary, when it is instituted by resolution of the shareholders, or compulsory, when it is instituted by order of the court.
- 2 2 Voluntary liquidation is the more common of the two. An insolvent voluntary liquidation is called a creditors' voluntary liquidation (often abbreviated to 'CVL'). In this type of liquidation an insolvency practitioner acts as liquidator throughout and the creditors can vote on the appointment of the liquidator at the first meeting of creditors.
- 2 3 In a compulsory liquidation on the other hand, the function of liquidator is, in most cases, initially performed not by an insolvency practitioner but by an official called the official receiver. The official receiver is an officer of the court and an official belonging to The Insolvency Service. In most compulsory liquidations, the official receiver becomes liquidator immediately on the making of the winding-up order. Where there are significant assets an insolvency practitioner will usually be appointed to act as liquidator in place of the official receiver, either at a meeting of creditors convened for the purpose or directly by The Insolvency Service on behalf of the Secretary of State. Where an insolvency practitioner is not appointed the official receiver remains liquidator.
- 2 4 Where a compulsory liquidation follows immediately on an administration the court may appoint the former administrator to act as liquidator. In such cases the official receiver does not become liquidator. An administrator may also subsequently act as liquidator in a CVL.

3 The liquidation committee

- 3 1 In a liquidation (whether voluntary or compulsory) the creditors have the right to appoint a committee called the liquidation committee, with a minimum of 3 and a maximum of 5 members, to monitor the conduct of the liquidation and approve the liquidator's fees. The committee is usually established at the creditors' meeting which appoints the liquidator, but in cases where a liquidation follows immediately on an administration any committee established for the purposes of the administration will continue in being as the liquidation committee.
- 3 2 The liquidator must call the first meeting of the committee within 6 weeks of its establishment (or his appointment if that is later), and subsequent meetings must be held either at specified dates agreed by the committee, or when requested by a member of the committee, or when the liquidator decides he needs to hold one. The liquidator is required to report to the committee at least every 6 months on the progress of the liquidation, unless the committee directs otherwise. This provides an opportunity for the committee to monitor and discuss the progress of the insolvency and the level of the liquidator's fees.

4 Fixing the liquidator's remuneration

4.1 The basis for fixing the liquidator's remuneration is set out in Rules 4.127 – 4.127B of the Insolvency Rules 1986. The Rules state that the remuneration shall be fixed

- as a percentage of the value of the assets which are realised or distributed or both,
- by reference to the time properly given by the liquidator and his staff in attending to matters arising in the liquidation, or
- as a set amount

Any combination of these bases may be used to fix the remuneration, and different bases may be used for different things done by the liquidator. Where the remuneration is fixed as a percentage, different percentages may be used for different things done by the liquidator.

It is for the liquidation committee (if there is one) to determine on which of these bases, or combination of bases, the remuneration is to be fixed. Where it is fixed as a percentage, it is for the committee to determine the percentage or percentages to be applied. Rule 4.127 says that in arriving at its decision the committee shall have regard to the following matters:

- the complexity (or otherwise) of the case,
- any responsibility of an exceptional kind or degree which falls on the liquidator in connection with the insolvency,
- the effectiveness with which the liquidator appears to be carrying out, or to have carried out, his duties,
- the value and nature of the assets which the liquidator has to deal with

4.2 If there is no liquidation committee, or the committee does not make the requisite determination, the liquidator's remuneration may be fixed by a resolution of a meeting of creditors. The creditors take account of the same matters as apply in the case of the committee. A resolution specifying the terms on which the liquidator is to be remunerated may be taken at the meeting which appoints the liquidator.

4.3 If the remuneration is not fixed as above, it will be fixed in one of the following ways. In a CVL, it will be fixed by the court on application by the liquidator, but the liquidator may not make such an application unless he has first tried to get his remuneration fixed by the committee or creditors as described above, and in any case not later than 18 months after his appointment. In a compulsory liquidation, it will be in accordance with a scale set out in the Rules.

4.4 Where the liquidation follows directly on from an administration in which the liquidator had acted as administrator, the basis of remuneration fixed in the administration continues to apply in the liquidation (subject to paragraph 8 below).

5 Review of remuneration

Where there has been a material and substantial change in circumstances since the basis of the liquidator's remuneration was fixed, the liquidator may request that it be changed. The request must be made to the same body as initially approved the remuneration, and the same rules apply as to the original approval.

6 What information should be provided by the liquidator?

6.1 When seeking remuneration approval

6.1.1 When seeking agreement to his fees the liquidator should provide sufficient supporting information to enable the committee or the creditors to form a judgement as to whether the proposed fee is reasonable having regard to all the circumstances of the case. The nature and extent of the supporting information which should be provided will depend on

- the nature of the approval being sought,
- the stage during the administration of the case at which it is being sought, and

- the size and complexity of the case

6 1 2 Where, at any creditors' or committee meeting, the liquidator seeks agreement to the terms on which he is to be remunerated, he should provide the meeting with details of the charge-out rates of all grades of staff, including principals, which are likely to be involved on the case

6 1 3 Where the liquidator seeks agreement to his fees during the course of the liquidation, he should always provide an up to date receipts and payments account. Where the proposed fee is based on time costs the liquidator should disclose to the committee or the creditors the time spent and the charge-out value in the particular case, together with, where appropriate, such additional information as may reasonably be required having regard to the size and complexity of the case. The additional information should comprise a sufficient explanation of what the liquidator has achieved and how it was achieved to enable the value of the exercise to be assessed (whilst recognising that the liquidator must fulfil certain statutory obligations that might be seen to bring no added value for creditors) and to establish that the time has been properly spent on the case. That assessment will need to be made having regard to the time spent and the rates at which that time was charged, bearing in mind the factors set out in paragraph 4 1 above. To enable this assessment to be carried out it may be necessary for the liquidator to provide an analysis of the time spent on the case by type of activity and grade of staff. The degree of detail will depend on the circumstances of the case, but it will be helpful to be aware of the professional guidance which has been given to insolvency practitioners on this subject. The guidance suggests the following areas of activity as a basis for the analysis of time spent

- Administration and planning
- Investigations
- Realisation of assets
- Trading
- Creditors
- Any other case-specific matters

The following categories are suggested as a basis for analysis by grade of staff

- Partner
- Manager
- Other senior professionals
- Assistants and support staff

The explanation of what has been done can be expected to include an outline of the nature of the assignment and the liquidator's own initial assessment, including the anticipated return to creditors. To the extent applicable it should also explain

- Any significant aspects of the case, particularly those that affect the amount of time spent
- The reasons for subsequent changes in strategy
- Any comments on any figures in the summary of time spent accompanying the request the liquidator wishes to make
- The steps taken to establish the views of creditors, particularly in relation to agreeing the strategy for the assignment, budgeting, time recording, fee drawing or fee agreement
- Any existing agreement about fees
- Details of how other professionals, including subcontractors, were chosen, how they were contracted to be paid, and what steps have been taken to review their fees

It should be borne in mind that the degree of analysis and form of presentation should be proportionate to the size and complexity of the case. In smaller cases not all categories of activity will always be relevant, whilst further analysis may be necessary in larger cases

6 1 4 Where the fee is charged on a percentage basis the liquidator should provide details of any work which has been or is intended to be sub-contracted out which would normally be undertaken directly by a liquidator or his staff

6.2 After remuneration approval

Where a resolution fixing the basis of fees is passed at any creditors' meeting held before he has substantially completed his functions, the liquidator should notify the creditors of the details of the resolution in his next report or circular to them. When subsequently reporting to creditors on the progress of the liquidation, or submitting his final report, he should specify the amount of remuneration he has drawn in accordance with the resolution (see further paragraph 7.1 below). Where the fee is based on time costs he should also provide details of the time spent and charge-out value to date and any material changes in the rates charged for the various grades since the resolution was first passed. He should also provide such additional information as may be required in accordance with the principles set out in paragraph 6.1.3. Where the fee is charged on a percentage basis the liquidator should provide the details set out in paragraph 6.1.4 above regarding work which has been sub-contracted out.

6.3 Disbursements and other expenses

There is no statutory requirement for the committee or the creditors to approve the drawing of expenses or disbursements, but there is provision for the creditors to challenge them, as described below. Professional guidance issued to insolvency practitioners requires that, where the liquidator proposes to recover costs which, whilst being in the nature of expenses or disbursements, may include an element of shared or allocated costs (such as room hire, document storage or communication facilities provided by the liquidator's own firm), they must be disclosed and be authorised by those responsible for approving his remuneration. Such expenses must be directly incurred on the case and subject to a reasonable method of calculation and allocation.

6.4 Realisations for secured creditors

Where the liquidator realises an asset on behalf of a secured creditor and receives remuneration out of the proceeds (see paragraph 11.1 below), he should disclose the amount of that remuneration to the committee (if there is one), to any meeting of creditors convened for the purpose of determining his fees, and in any reports he sends to creditors.

7 Progress reports and requests for further information

7.1 The liquidator is required to send annual progress reports to creditors. The reports must include

- details of the basis fixed for the remuneration of the liquidator (or if not fixed at the date of the report, the steps taken during the period of the report to fix it),
- if the basis has been fixed, the remuneration charged during the period of the report, irrespective of whether it was actually paid during that period (except where it is fixed as a set amount, in which case it may be shown as that amount without any apportionment for the period of the report),
- if the report is the first to be made after the basis has been fixed, the remuneration charged during the periods covered by the previous reports, together with a description of the work done during those periods, irrespective of whether payment was actually made during the period of the report,
- a statement of the expenses incurred by the liquidator during the period of the report, irrespective of whether payment was actually made during that period,
- a statement of the creditors' rights to request further information, as explained in paragraph 7.2, and their right to challenge the liquidator's remuneration and expenses.

7.2 Within 21 days of receipt of a progress report (or 7 business days where the report has been prepared for the purposes of a meeting to receive the liquidator's resignation) a creditor may request the liquidator to provide further information about the remuneration and expenses set out in the report. A request must be in writing, and may be made either by a secured creditor, or by an unsecured creditor with the concurrence of at least 5% in value of unsecured creditors (including himself) or the permission of the court.

- 7.3 The liquidator must provide the requested information within 14 days, unless he considers that
- the time and 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 liquidator is subject to an obligation of confidentiality in relation to the information requested,

in which case he must give the reasons for not providing the information

Any creditor may apply to the court within 21 days of the liquidator's refusal to provide the requested information, or the expiry of the 14 days time limit for the provision of the information

8 Provision of information – additional requirements

The liquidator must provide certain information about the time spent on the case, free of charge, upon request by any creditor, director or shareholder of the company

The information which must be provided is –

- the total number of hours spent on the case by the liquidator or staff assigned to the case,
- for each grade of staff, the average hourly rate at which they are charged out,
- the number of hours spent by each grade of staff in the relevant period

The period for which the information must be provided is the period from appointment to the end of the most recent period of six months reckoned from the date of the liquidator's appointment, or where he has vacated office, the date that he vacated office

The information must be provided within 28 days of receipt of the request by the liquidator, and requests must be made within two years from vacation of office

9 What if a creditor is dissatisfied?

9.1 Except in cases where there is a liquidation committee it is the creditors as a body who have authority to approve the liquidator's fees. To enable them to carry out this function they may require the liquidator to call a creditors' meeting. In order to do this at least ten per cent in value of the creditors must concur with the request, which must be made to the liquidator in writing

9.2 If a creditor believes that the liquidator's remuneration is too high, the basis is inappropriate, or the expenses incurred by the liquidator are in all the circumstances excessive he may, provided certain conditions are met, apply to the court

9.3 Application may be made to the court by any secured creditor, or by any unsecured creditor provided at least 10 per cent in value of unsecured creditors (including himself) agree, or he has the permission of the court. Any such application must be made within 8 weeks of the applicant receiving the liquidator's progress report in which the charging of the remuneration or incurring of the expenses in question is first reported (see paragraph 7.1 above). If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the liquidator a copy of the application and supporting evidence at least 14 days before the hearing

9.4 If the court considers the application well founded, it may order that the remuneration be reduced, the basis be changed, or the expenses be disallowed or repaid. Unless the court orders otherwise, the costs of the application must be paid by the applicant and not out of the assets of the insolvent company

10. What if the liquidator is dissatisfied?

If the liquidator considers that the remuneration fixed by the liquidation committee, or in the preceding administration, is insufficient or that the basis used to fix it is inappropriate he may request that the amount or rate be increased, or the basis changed, by resolution of the creditors. If he considers that the remuneration fixed by the liquidation committee, the creditors, in the preceding administration or in accordance with the statutory scale is insufficient, or that the basis used to fix it is inappropriate, he may apply to the court for the amount or rate to be increased or the basis changed. If he decides to apply to the court he must give at least 14 days' notice to the members of the committee and the committee may nominate one or more of its members to appear or be represented at the court hearing. If there is no committee, the liquidator's notice of his application must be sent to such of the creditors as the court may direct, and they may nominate one or more of their number to appear or be represented. The court may order the costs to be paid out of the assets.

11 Other matters relating to remuneration

- 11.1 Where the liquidator realises assets on behalf of a secured creditor he is entitled to be remunerated out of the proceeds of sale in accordance with a scale set out in the Rules. Usually, however, the liquidator will agree the basis of his fee for dealing with charged assets with the secured creditor concerned.
- 11.2 Where two (or more) joint liquidators are appointed it is for them to agree between themselves how the remuneration payable should be apportioned. Any dispute between them may be referred to the court, the committee or a meeting of creditors.
- 11.3 If the appointed liquidator is a solicitor and employs his own firm to act in the insolvency, profit costs may not be paid unless authorised to act as an Insolvency Practitioner in the UK by the committee, the creditors or the court.
- 11.4 If a new liquidator is appointed in place of another, any determination, resolution or court order which was in effect immediately before the replacement continues to have effect in relation to the remuneration of the new liquidator until a further determination, resolution or court order is made.
- 11.5 Where the basis of the remuneration is a set amount, and the liquidator ceases to act before the time has elapsed or the work has been completed for which the amount was set, application may be made for a determination of the amount that should be paid to the outgoing liquidator. The application must be made to the same body as approved the remuneration. Where the outgoing liquidator and the incoming liquidator are from the same firm, they will usually agree the apportionment between them.
- 11.6 There may also be occasions when creditors will agree to make funds available themselves to pay for the liquidator to carry out tasks which cannot be paid for out of the assets, either because they are deficient or because it is uncertain whether the work undertaken will result in any benefit to creditors. Arrangements of this kind are sometimes made to fund litigation or investigations into the affairs of the insolvent company. Any arrangements of this nature will be a matter for agreement between the liquidator and the creditors concerned and will not be subject to the statutory rules relating to remuneration.

12 Effective date

This guide applies where a company –

- goes into liquidation on a winding-up resolution passed on or after 6 April 2010,
- goes into voluntary liquidation immediately following an administration on or after 6 April 2010, except where the preceding administration began before that date,
- goes into compulsory liquidation as the result of a petition presented on or after 6 April 2010, except where the liquidation was preceded by
 - an administration which began before that date,
 - a voluntary liquidation in which the winding-up resolution was passed before that date

F A SIMMS & PARTNERS LIMITED

CREDITORS' GUIDE TO FEES

Charge-out rates (from 1 July 2011)

Grade	Charge-out rate (£ per hour)
Insolvency Practitioner	200-250
Senior Manager	120-150
Managers	75-100
Assistants & support staff	45 - 110

Time costs are calculated at 6 minute units

Agent costs

These are charged at cost based upon the charge(s) made by the Agent instructed. The term "Agent" includes

- Solicitors/legal fees
- Auctioneers/valuers
- Accountants
- Quantity Surveyors
- Estate agents
- Other specialist advisors

Storage costs

Charged at actual cost incurred for storage (and retrieval, when appropriate) of records

Other disbursements (from 1 July 2011)

Category	Basis of charge
Indemnity Bond	At cost of mandatory cover required in accordance with the Insolvency Act 1986 for each appointment
Insurance of assets	At cost in relation to asset coverage requirement
Company searches	At cost incurred
Travel	Motor vehicle at 45p per mile All other forms at actual cost
Room hire	Initial meeting of creditors - £100 All other meetings of creditors - £50 Any other venue - at actual cost
Photocopying	15p per sheet of A4 30p per sheet of A3
Postage	At actual cost incurred
Facsimiles/Telephone	Charged at the following rate during connection Local Calls – 5p per minute National Calls – 10p per minute International Calls – 30p per minute Landline to Mobile Calls (telephone only) 20p per minute
Confidential Waste	£10.50 per case
IT Charge	£100.00
Other	At actual cost charged