

Liquidator's Progress Report

S.192

Pursuant to Sections 92A and 104A and 192
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

07629003

Name of Company

Samson Maintenance Services Limited

I / We

Tyrone Shaun Courtman, Sky View, Argosy Road, East Midlands Airport, Castle Donington, Derby, DE74 2SA

Nicholas John Edwards, Sky View, Argosy Road, East Midlands Airport, Castle Donington, Derby, DE74 2SA

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

The Progress Report covers the period from 03/05/2014 to 02/05/2015

Signed

Date

PKF Cooper Parry Group Limited
Sky View
Argosy Road
East Midlands Airport
Castle Donington
Derby
DE74 2SA
Ref ZS370/TSC/NJE/LB/SW

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COMPANIES HOUSE

Samson Maintenance Services Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments

Statement of Affairs	From 03/05/2014 To 02/05/2015	From 03/05/2013 To 02/05/2015	
	ASSET REALISATIONS		
32,173 00	Book Debts	NIL	32,172 91
	Cash at Bank	NIL	27 10
	HP Overpayment	NIL	231 92
	Bank Interest Gross	39 35	79 77
		39 35	32,511 70
	COST OF REALISATIONS		
	Costs of Convening Meetings	NIL	1,000 00
	Preparation of S of A	NIL	2,000 00
	Joint Liquidators' Fees	9,000 00	16,000 00
	Professional Fees	NIL	1,250 00
	Agents/Valuers Fees	150 00	150 00
	Corporation Tax	8 00	8 00
		(9,158 00)	(20,408 00)
	UNSECURED CREDITORS		
(2,000 00)	HSBC plc	NIL	NIL
(116,473 00)	HM Revenue & Customs - PAYE/NIC	NIL	NIL
(72,870 00)	HM Revenue & Customs - VAT	NIL	NIL
(540 00)	Director's Loan Account	NIL	NIL
		NIL	NIL
	DISTRIBUTIONS		
(1 00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
(159,711.00)		(9,118 65)	12,103.70
	REPRESENTED BY		
	VAT on Payments		630 00
	Bank 1 - Current		11,473 70
			12,103 70



PKF | Cooper Parry

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To All Known Creditors and Members

Your ref

Our ref TSC/NJE/LEI/LB/SW/ZS370/CV2012-B8.7

26 May 2015

When telephoning please ask for
Samantha Wetwood

Dear Sir/Madam

Samson Maintenance Services Limited - In Liquidation ("the Company")
Registered in England No. 7629003 at Sky View, Argosy Road, Castle Donington, Derby, DE74 2SA

I was appointed Joint Liquidator of the Company on 3 May 2013 and in accordance with Section 92A of the Insolvency Act 1986, I present my progress report in respect of the year ended 2 May 2015.

I enclose for your information:-

Appendix

- A** Joint Liquidators' Combined Receipts & Payments Account and Estimated Outcome Statement to 2 May 2015
- B** Remuneration notification including a summary of work undertaken to 27 April 2014 and a summary of current hourly rates and disbursements.
- C** Creditors guide to Liquidators' Fees
- D** Copy of rule 4.49E and rule r4.131, which sets out members' and creditors' rights to request further information and to challenge remuneration and expenses

Cont'd

The firm's insolvency practitioners are licensed in the UK as follows
T S Courtman by the Institute of Chartered Accountants in England and Wales
N J Edwards by the Institute of Chartered Accountants in England and Wales
and when acting as Receivers, Administrative Receivers or Administrators act as agents only, without personal liability and
when acting as Administrators, the affairs, business and property of the company are being managed by them
PKF Cooper Parry Group Limited is a company registered in England No 07795137 Registered Office
Sky View, Argosy Road, East Midlands Airport, Castle Donington, Derby DE74 2SA
PKF Cooper Parry Group Limited is a member firm of the PKF International Limited network of legally independent firms and does not accept any
responsibility or liability for the actions or inactions on the part of any other individual member firm or firms

Samson Maintenance Services Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments

Statement of Affairs	From 03/05/2014 To 02/05/2014	From 03/05/2013 To 02/05/2014
32,173 00	ASSET REALISATIONS	
	Book Debts	NIL
	Cash at Bank	32,172 91
	HP Overpayment	27 10
	Bank Interest Gross	231 92
		40.42
		<u>32,472 35</u>
	COST OF REALISATIONS	
	Costs of Convening Meetings	NIL
	Preparation of S of A	1,000.00
	Joint Liquidators' Fees	2,000 00
	Professional Fees	7,000 00
		<u>1,250.00</u>
		(11,250 00)
	UNSECURED CREDITORS	
(2,000 00)	HSBC plc	NIL
(116,473 00)	HM Revenue & Customs - PAYE/NIC	NIL
(72,870.00)	HM Revenue & Customs - VAT	NIL
(540.00)	Director's Loan Account	NIL
		<u>NIL</u>
	DISTRIBUTIONS	
(1 00)	Ordinary Shareholders	NIL
		<u>NIL</u>
<u>(159,711.00)</u>	<u>NIL</u>	<u>21,222.35</u>
	REPRESENTED BY	
	VAT on Payments	300 00
	Bank 1 - Current	20,922.35
		<u>21,222.35</u>

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Samson Maintenance Services Limited - In Liquidation
26 May 2015

Joint Liquidators' combined abstract of Receipts and Payments and Estimated Outcome Statement at 2 May 2015.

Attached at Appendix A is a copy of the Joint Liquidators' combined abstract of receipts and payments and estimated outcome statement as at 2 May 2015, showing a balance in hand of £12,104, including recoverable VAT

The principal items of income received and expenditure incurred in the period are discussed in more detail below

1. REALISATION OF ASSETS

1.1 Bank Interest Gross

Total bank interest earned in the period was £39 35. This amount will be subject to corporation tax.

2. COSTS OF REALISATIONS

2.1 Joint Liquidators' Fees & Disbursements

At the first meeting of creditors it was resolved that the Liquidators' fees be calculated by reference to time costs incurred and drawn as funds permit

During the period of this report, time costs of £5,403 were incurred. The enclosed summary of work undertaken details the total work carried out so far and hours spent of £18,279, against which fees on account totalling £16,000 plus VAT have been drawn, leaving unrecovered costs of £2,279. The summary also includes details of disbursements totalling £292 incurred by PKF Cooper Parry Group Limited of which none have been paid.

As the firm's charge out rates are reviewed on an annual basis, the revised rates are enclosed for your information

2.2 Agents/Valuers Fees

John Pye & Sons Limited, Professional Valuers of Nottingham, was paid £150 plus VAT in the period for professional services regarding undertaking a review and providing a valuation of the Company's assets transferred prior to our appointment

3. SECURED CREDITORS

There were no secured creditors shown in the estimated Statement of Affairs and I have not been made aware of any secured creditors since my appointment as Joint Liquidator

Cont'd .



PKF | Cooper Parry

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Samson Maintenance Services Limited - In Liquidation
26 May 2015

4. PREFERENTIAL CREDITORS

There were no preferential creditors shown in the estimated Statement of Affairs and I have not been made aware of any preferential creditors since my appointment as Joint Liquidator

5. UNSECURED CREDITORS

To date, total claims in the sum of £8,137 have been received. This is in contrast to the figure quantified in the Statement of Affairs, being £191,883. I am currently in correspondence with HM Revenue & Customs ("HMRC"), being the majority creditor, in order to review and understand how they have quantified their claim. In the period I have received further information regarding the Company's potential VAT and PAYE/NIC liabilities which may assist with finalising HMRC's claim, therefore I have submitted this information to HMRC and currently await their response.

6. INVESTIGATIONS

On appointment I recovered all the accounting records of the Company and undertook a review to ascertain any courses of action that may be appropriate.

The investigation that has been carried out by the Joint Liquidators has been conducted in order to report on the conduct of the directors in accordance with the Company Directors Disqualification Act 1986. As the content of the report is confidential, I am not empowered to release any further information with regard to this aspect of my work.

7. CONCLUSION


Once all creditor claims have been finalised I will declare a first and final dividend to unsecured creditors and thereafter commence closure proceedings including calling the final meetings.

If you require any further information, then please do not hesitate to contact Samantha Wetwood at this office.

Yours faithfully

For and on behalf of

Samson Maintenance Services Limited - In Liquidation



Tyone Courtman
Joint Liquidator

Enclosures

Seamon Maintenance Services Limited In Liquidation
Combined Receipts and Payment Account and Estimated Outcome Statement as at 2 May 2015

Statement of Affairs £	Note	From 03/08/13 to 02/05/14 £	From 03/05/14 to 02/05/15 £	Total Realised to Date £	Future Realisations £	Estimated Final Position £
Assets not specifically pledged						
32,173		32,173	-	32,173	-	32,173
		27		27		27
		232		232		232
	1.1	40	39	80	-	80
32,173		32,472	39	32,512	-	32,512
Costs of Realisations						
		(1,000)		(1,000)		(1,000)
		(2,000)		(2,000)		(2,000)
	2.1	(7,000)	(3,000)	(16,000)	(2,000)	(18,000)
		(1,250)		(1,250)	-	(1,250)
	2.2		(150)	(150)		(150)
				-	(67)	(67)
				-	(500)	(500)
				-	(90)	(90)
			(8)	(8)	(8)	(16)
		21,222	(3,119)	12,104	(2,665)	9,439
Unsecured Creditors						
(2,000)			-	-	-	
(116,473)			-	-	(5,790)	(5,790)
(72,870)			-	-	(3,622)	(3,622)
(540)			-	-	(27)	(27)
(191,883)			-	-	(9,439)	

**REMUNERATION NOTIFICATION
FOR THE PERIOD 28 APRIL 2014 TO 2 MAY 2015**

Case Name	Samson Maintenance Services Limited
Office Holder(s)	Tyrone Shaun Courtman Nicholas John Edwards
Firm	PKF Cooper Parry Group Limited
Address	Sky View, Argosy Road Castle Donington Derby DE74 2SA
Telephone	01332 411163
Reference	Z5370
Type of Appointment	Creditor's Voluntary Liquidation
Date of Appointment	3 May 2013

CONTENTS

Case overview

Description of work carried out

Summary of time costs incurred in the period from 28 April 2014 to 2 May 2015

Summary of total time costs incurred to 2 May 2015

Summary of category 2 Disbursements paid

CASE OVERVIEW

At the meeting of creditors on 3 May 2013 it was resolved that the office holders' remuneration be based on time costs incurred in dealing with the case

The office holders' report dated 26 May 2015 outlines the case strategy and conduct of the case. In particular, the following matters have had an impact on the time spent -

Statutory

- Setting initial case strategy other than trading strategy
- Periodic review and update of case strategy
- Conducting file reviews to ensure compliance and identify any other matters requiring attention
- Dealing with accounting set up and case set up to ensure ability to comply with statutory reporting requirements
- Obtaining specific penalty for the appropriate sum and reviewing
- Prepare inventory of company books and records for storage
- Posting of initial appointment letters including to the Registrar of Companies and to creditors
- Advertise the appointment in the appropriate papers
- Post appointment VAT return completion
- Post appointment Corporation Tax completion
- Statutory reporting including reports to creditors and convening and holding any meetings required
- Preparing and submitting statutory receipts and payments accounts including compliance with SIP 11
- Dealing with statutory requirements under the appropriate Statements of Insolvency Practice
- Reporting to creditors and/or any creditors committee in accordance with any agreement or legislation including compliance with SIPs 7, 9, 13 and 16
- Cashiering including processing receipts & payments

Investigations

- Sending questionnaires to apparent directors and shadow directors
- Reviewing the responses
- Consideration of investigation strategy
- Review of company records and requests to creditors for information to identify any matters requiring further detailed examination
- Completion of SIP 2 investigation work as appropriate
- Liaising with creditors including the Crown to obtain any supporting information required
- Completing report to the Insolvency Services
- Pursuing any antecedent transactions as appropriate and as agreed

Asset Realisations

- Identifying, securing and insuring assets
- Instructing agents and discussing strategy
- Seeking legal advice where appropriate
- Reconciliation of asset proceeds

Debtor Realisations

- Collating information and supporting documents regarding book debt collections
- Corresponding with debtors to request amounts outstanding including issuing any follow up letters and subsequent telephone calls
- Monitoring and accounting for proceeds received

Creditors/Other Matters

- Preparation and submission of pre-appointment tax returns for the purposes of the Crown claims to be agreed
- Scheduling claims received from creditors if it appears that a dividend will be paid
- Confirming amounts outstanding to each class of creditor
- Liaising with landlords/hire purchase/lease companies etc
- General creditor liaison
- Distributing funds to creditors in accordance with legislation
- Liaising with HM Revenue & Customs regarding the adjudication of their claims

Appendix B**SUMMARY OF CATEGORY 2 DISBURSEMENTS PAID**

Type and Purpose:	£:
Photocopying	NIL
Telephone & Faxes	NIL
Mileage	NIL
Meeting Rooms	NIL
Total	NIL

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 fixing bases of remuneration

6.1.1 When seeking agreement for the basis or bases of remuneration, the Liquidator should provide sufficient supporting information to enable the committee or the creditors to make an informed judgement as to whether the basis sought is appropriate having regard to all the circumstances of the case. The nature and extent of the information provided will depend on the stage during the conduct of the case at which

approval is being sought. The appendix to this guide sets out a suggested format for the provision of information.

6.1.2 If any part of the remuneration is sought on a time costs basis, the Liquidator should provide details of the minimum time units used and current charge-out rates, split by grades of staff, of those people who have been or who are likely to be involved in the time costs aspects of the case.

6.1.3 The Liquidator should also provide details and the cost of any work that has been or is intended to be sub-contracted out that could otherwise be carried out by the Liquidator or his or her staff.

6.1.4 If work has already been carried out, the Liquidator should state the proposed charge for the period to date and provide an explanation of what has been achieved in the period and how it was achieved, sufficient to enable the progress of the case to be assessed and whether the proposed charge is reasonable in the circumstances of the case.

Where the proposed charge is calculated on a time costs basis, the Liquidator should disclose the time spent and the average charge-out rates, in larger cases split by grades of staff and analysed by appropriate activity. The Liquidator should also provide details and the cost of any work that has been sub-contracted out that could otherwise be carried out by the Liquidator or his or her staff.

6.2 After the bases of remuneration have been fixed

The Liquidator is required to send progress reports to creditors at specified intervals (see paragraph 7.1 below). When reporting periodically to creditors, in addition to the matters specified in paragraph 7.1, the Liquidator should provide an explanation of what has been achieved in the period under review and how it was achieved, sufficient to enable the progress of the case to be assessed.

Creditors should be able to understand whether the remuneration charged is reasonable in the circumstances of the case (whilst recognising that the Liquidator must fulfil certain statutory obligations and regulatory requirements that might be perceived as bringing no added value for the estate). Where any remuneration is on a time costs basis, the Liquidator should disclose the charge in respect of the period, the time spent and the average charge-out rates, in larger cases split by grades of staff and analysed by appropriate activity. If there have been any changes to the charge-out rates during the period under review, rates should be disclosed by grades of staff, split by the periods applicable. The Liquidator should also provide details and the cost of any work that has been sub-contracted out that could otherwise be carried out by the Liquidator or his or her staff.

6.3 Disbursements and other expenses

6.3.1 Costs met by and reimbursed to the Liquidator in connection with the liquidation should be appropriate and reasonable. Such costs will fall into two categories.

Category 1 disbursements: These are costs where there is specific expenditure directly referable both to the liquidation and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, and equivalent costs reimbursed to the Liquidator or his or her staff.

Category 2 disbursements: These are costs that are directly referable to the liquidation but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the liquidation on a proper and reasonable basis, for example, business mileage.

Category 1 disbursements can be drawn without prior approval, although the Liquidator should be prepared to disclose information about them in the same way as any other expenses. Category 2 disbursements may be drawn if they have been approved in the same manner as the Liquidator's remuneration. When seeking approval, the Liquidator should explain, for each category of expense, the basis on which the charge is being

made

6.3.2 The following are not permissible

- a charge calculated as a percentage of remuneration
- an administration fee or charge additional to the Liquidator's remuneration,
- recovery of basic overhead costs such as office and equipment rental, depreciation and finance charges

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 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 or after 1 November 2011.

Statement of the Provisions of Rule 4.49E & 4.131

Rule 4.49E Creditors' and members' request for further information

(1) If -

(a) within the period mentioned in paragraph (2) -

- i a secured creditor, or
- ii an unsecured creditors with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
- iii 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, or

(b) with the permission of the court upon an application made within the period mentioned in paragraph (2) -

- i any unsecured creditor, or
- ii any member of the company in a members' voluntary winding up

makes a request in writing to the liquidator for further information about remuneration or expenses set out in a progress report in accordance with Rule 4.49B(1) (e) or (f) (including by virtue of Rule 4.49C(5)) or in a draft report under Rule 4.49D, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of a matter in a draft report under Rule 4.49D or a progress report required by Rule 4.108 which (in either case) was previously included in a progress report not required by Rule 4.108

(2) The period referred to in paragraph (1)(a) and (b) is -

- (a) 7 business days of receipt (by the last of them in the case of an application by more than one member) of the progress report where it is required by Rule 4.108, and
- (b) 21 days of receipt (by the last of them in the case of an application by more than one member) of the report or draft report in any other case.

(3) The liquidator complies with this paragraph by either -

- (a) providing all of the information asked for, or
- (b) so far as the liquidator considers that -
 - i the time or cost of preparation of the information would be excessive, or
 - ii disclosure of the information would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or
 - iii the liquidator is subject to an obligation of confidentiality in respect of the information,

given reasons for not providing all of the information

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(4) Any creditor, and any member of the company in a members' voluntary winding up, who need not be the same as the creditors or members who asked for the information, may apply to the court within 21 days of -

- (a) the giving by the liquidator of reasons for not providing all of the information asked for, or
- (b) the expiry of the 14 days provided for in paragraph (1),

and the court may make such order as it thinks just

(5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks or, as the case may be, 4 weeks provided for in Rule 4 131(1B) or 4 148C(2) by such further period as the court thinks just. -

(6) This Rule does not apply where the liquidator is the official receiver

Rule 4.131 Creditors' claim that remuneration is or other expenses are excessive

(1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4).

(1A) Application may be made on the grounds that -

- (a) the remuneration charged by the liquidator,
- (b) the basis fixed for the liquidator's remuneration under Rule 4 127, or
- (c) expenses incurred by the liquidator,

is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate

(1B) The application must, subject to any order of the court under Rule 4 49E(5), be made no later than 8 weeks (or, in a case falling within Rule 4 108, 4 weeks) after receipt by the applicant of the progress report, or the draft report under Rule 4 49D, which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

(2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss the application; but it shall not do so unless the applicant has had an opportunity to attend the court for a hearing, of which he has been given at least 5 business days, notice, but which is without notice to any other party

If the application is not dismissed under this paragraph, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly

(3) The applicant shall, at least 14 days before the hearing, send to the Liquidator a notice stating the venue, and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it

(4) If the court considers the application to be well-founded, it must make one or more of the following orders -

- (a) an order reducing the amount of remuneration which the liquidator was entitled to charge,
- (b) an order fixing the basis of remuneration at a reduced rate or amount,

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- (c) an order changing the basis of remuneration;
- (d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the liquidation,
- (e) an order that the liquidator or the liquidator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,

and may make any other order that it thinks just; but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report"

(5) Unless the Court orders otherwise, the costs of the application shall be paid by the applicant and are not payable as an expense of the Liquidation