

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

FRIDAY



A22 \*A7CØH5FS\* 10/08/2018 #74  
COMPANIES HOUSE

### 1 Company details

Company number 0 7 8 5 3 5 8 2

Company name in full Alpha Earthworks Limited

→ Filling in this form  
Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s) Philip

Surname Booth

### 3 Liquidator's address

Building name/number Coopers House

Street Intake Lane

Post town Ossett

County/Region

Postcode W F 5 0 R 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 ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other liquidator  
Use this section to tell us about  
another liquidator.

## Notice of progress report in voluntary winding up

From date	<sup>d</sup> 0	<sup>d</sup> 9	<sup>m</sup> 0	<sup>m</sup> 6	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 7
To date	<sup>d</sup> 0	<sup>d</sup> 8	<sup>m</sup> 0	<sup>m</sup> 6	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8

☒ The progress report is attached

## Liquidator's signature

Signature

**X**

P. 250K

X

Signature date

<sup>d</sup> 0	<sup>d</sup> 8	<sup>m</sup> 0	<sup>m</sup> 8	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8
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LIQ03

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**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 **Alistair Barnes**

Company name **Booth & Co**

Address **Coopers House**

**Intake Lane**

Post town **Ossett**

County/Region

Postcode **W F 5 0 R G**

Country

DX

Telephone **01924 263777**



**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)**

**ALPHA EARTHWORKS LTD  
IN CREDITORS VOLUNTARY LIQUIDATION**

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**Liquidator's Annual Progress Report to Members and Creditors  
Pursuant to Section 104a of the Insolvency Act 1986 for the  
12 Month Period Ended 8 June 2018**

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**Philip Booth  
Liquidator**

**Booth & Co  
Coopers House  
Intake Lane  
Ossett  
WF5 0RG**

Company Name:	Alpha Earthworks Ltd ("the Company")		
Company Number:	07853582		
Date of Incorporation:	18 November 2011		
Principal Activity:	Remediation and waste management services		
Registered Office:	Coopers House Intake Lane Ossett WF5 0RG	<i>formerly</i>	The Ward Suite The Nostell Estate Yard Wakefield WF4 1AB
Trading Address:	The Ward Suite The Nostell Estate Yard Wakefield WF4 1AB		
Date of Liquidation:	9 June 2017		
Liquidator:	Philip Booth		
Basis of Remuneration:	No resolution relating to the Liquidator's remuneration was proposed at the Meeting of Members and Creditors.		

## **1. Introduction**

- 1.1 Further to my appointment as Liquidator at the Meeting of Members and Virtual Meeting of Creditors held on 9 June 2017, I am writing to provide you with my first Annual Progress Report on the conduct of the liquidation for the period from 9 June 2017 to 8 June 2018.

## **2. Receipts**

- 2.1 The Company's Statement of Affairs as at the date of my appointment as Liquidator disclosed that the Company had book debts with an estimated to realise value of £23,016 which were subject to a factoring agreement with Bibby Factors Yorkshire Limited ("BFYL") and in respect of which an amount in the sum of £185 was owed to BFYL.
- 2.2 The Company also had unencumbered book debts with an estimated to realise value of £11,000, office equipment with an estimated to realise value of £500, and an Environmental Agency Bond with a book value of £44,000, which was attributed with an 'uncertain' value for the purposes of preparing the Statement of Affairs.
- 2.3 The Company also owned plant and machinery with a total estimated to realise value of £1,087,500 which was subject to a number of finance agreements in respect of which a total of £1,322,500 was owed. The Company had no equitable interest in any of this equipment and the Statement of Affairs disclosed that the five finance creditors concerned were likely to suffer significant shortfalls.
- 2.4 During the period covered by this report BFYL collected the amount owed to them and reassigned the remaining sales ledger balances to the Company.
- 2.5 An amount in the sum of £6,370 has been collected in respect of these debts to date, and after making adjustments to the ledger to reflect payments made in the period prior to my appointment, contra claims, and the insolvency of a number of the debtors, no further realisations are expected to be made.
- 2.6 The Company's unencumbered book debts which were estimated to realise £11,000, comprised of a single disputed debt in respect of which the Company's solicitors, GM Wilson had already been instructed as at the date of my appointment as Liquidator. On the advice of GM Wilson, I subsequently accepted an offer in the sum of £13,500 to settle this matter, and this amount was duly received.
- 2.7 Following my appointment as Liquidator, I instructed Michael Steel & Co, a firm of independent agents and valuers, to make arrangements to realise the Company's tangible assets, and they subsequently advised that the costs of removal and sale of the office equipment would be in excess of its value.
- 2.8 The Environmental Agency Bond was released following a new contractor entering into an agreement with the Landlord to operate the Nostell Quarry site, and the total amount received in respect of this was £44,984.
- 2.9 The only other receipt has been a small amount of bank interest.

### **3. Payments**

- 3.1 At the Virtual Meeting of Creditors held on 9 June 2017, creditors passed a resolution approving the payment to Booth & Co of an amount in the sum of £5,000 plus disbursements (including category 2 disbursements) and VAT in respect of their pre-appointment fees. These costs were incurred in assisting the Directors with the preparation of the Statement of Affairs, Explanatory Information for Creditors, and seeking the appointment of Philip Booth of Booth & Co. as Liquidator by Virtual Meeting.
- 3.2 In addition, and in accordance with a resolution passed at the Virtual Meeting of Creditors held on 9 June 2017, an amount in the sum of £1,000 plus VAT has been paid to the Company's accountants, Hansons Chartered Accountants, in respect of work carried out in assisting with the preparation of the Company's Statement of Affairs.
- 3.3 During the period covered by this report Agents Fees amounting to £500 plus VAT have been paid to Michael Steel & Co, for work carried out in relation to the valuation of the Company's assets, and legal fees of £885 plus VAT have been paid to GM Wilson Solicitors Ltd in respect of their costs incurred in negotiating and settling the disputed debt referred to above.
- 3.4 Other than an amount in the sum of £62 paid to CW Harrison & Son, in respect of charges incurred for the storage of the Company's books and records, the only other payments made during the period covered by this report are in relation to the Liquidator's disbursements, further details of which are provided at Paragraph 9 below, and a small amount of bank charges.

### **4. Debenture Holder & Secured Creditors**

- 4.1 The Company granted a fixed and floating charge over its assets in favour of Paragon Business Finance Plc. This debenture was created on 28 April 2016 and delivered to Companies House on 4 May 2016. The amount owed to Paragon Business Finance Ltd as at the date of my appointment as Liquidator was £183,000.
- 4.2 The Company had also granted a fixed and floating charge over its assets in favour of Bibby Financial Services Ltd. This debenture was created on 12 April 2016 and delivered to Companies House on 20 April 2016. The amount owed to Bibby Financial Services Ltd as at the date of my appointment as Liquidator was £185.
- 4.3 In addition to the above, the Company had created a legal assignment of contract monies in favour of HSBC Bank Plc, which was created on 2 April 2015 and delivered to Companies House on 2 April 2015. As at the date of the Liquidation there were no monies outstanding under the assignment.
- 4.4 The Company had also granted a fixed and floating charge over its assets in favour of HSBC Bank plc supporting an unlimited composite guarantee given by Alpha Earthworks Ltd to secure all liabilities of Alpha Earthworks Ltd and Land Engineering Services Ltd. This debenture was created on 25 February 2015 and delivered to Companies House on 10 March 2015.
- 4.5 Land Engineering Services Ltd is an associated company which was placed into Creditors Voluntary Liquidation on 20 April 2016 and I was appointed as Liquidator on the same date. It was anticipated at the date of my appointment that sufficient assets would be realised to discharge the liability to HSBC Bank plc in full. However, repayment of the liability to HSBC Bank plc is now dependent on two disputed claims, the outcome of which is uncertain at present.

- 4.6 The Company also granted a fixed and floating charge over its assets in favour of HSBC Invoice Finance (UK) Ltd. This debenture was created on 7 November 2014 and delivered to Companies House on 7 November 2014. As at the date of my appointment as Liquidator there were no monies outstanding under the debenture.

## **5. Preferential Creditors**

- 5.1 In the Statement of Affairs preferential creditors in respect of unpaid wages and holiday pay were estimated at £17,202.
- 5.2 I have received one Proof of Debt from the Redundancy Payments Service for an amount in the sum of £21,997, and I estimate that former employees have residual claims totalling £3,545. Sufficient funds have been realised to pay a dividend of 100p in £ to preferential creditors, and steps will be taken to agree these claims and pay the dividend shortly.

## **6. Unsecured Creditors**

- 6.1 The Directors estimated in the Statement of Affairs that unsecured trade creditors amounted to £1,423,324, and to date I have received 57 Proofs of Debt totalling £1,523,142.
- 6.2 The Insolvency Act 1986 provides that, in the case of floating charges created after 15 September 2003, the Liquidator will make a prescribed part of the company's net property available for the satisfaction of unsecured debts and shall not distribute that part to the proprietor of the floating charge, except in so far as it exceeds the amount required in satisfaction of the unsecured debts (Insolvency Act 1986, S176A (2)).
- 6.3 The 'Prescribed Part' is a percentage of the Company's net property set on a sliding scale, with 50% of the first £10,000 and 20% thereafter, up to a maximum prescribed part of £600,000.
- 6.4 'Net property' is defined as the amount of property available after discharge of sums secured pursuant to a fixed charge, the costs of realising the company's assets and payment of preferential claims.
- 6.5 Where the Company's net property does not exceed £10,000 and the Liquidator thinks that the cost of making the distribution would be disproportionate to the benefits, the Liquidator can elect not to make a prescribed part available to the unsecured creditors.
- 6.6 At present I am unable to estimate what the value of the net property will be, as this will depend on the final value of preferential claims admitted for dividend purposes and the further costs incurred. If the value of net property is less than £10,000, the provisions described in the paragraph above are likely to apply.

## **7. Director's Conduct Report & Investigation**

- 7.1 As required, I have submitted my confidential report to the Insolvency Service. I have also carried out my investigations into the conduct of the business, pursuant to the provisions of Statement of Insolvency Practice 2.
- 7.2 I can advise creditors that my investigations have not revealed any matters which would require me to take further action against any officer of the Company, or any third parties.



## 8. Liquidator's Receipts & Payments Account

- 8.1 Attached is a copy of the Liquidator's Abstract of Receipts and Payments for the preceding 12 months ending 8 June 2018.

## 9. Liquidator's Remuneration

- 9.1 No resolution in respect of the Liquidator's remuneration was passed at the physical meeting of creditors held on 8 June 2018.
- 9.2 I have not drawn any fees to date in respect of my total time costs of £17,086 representing 95.3 hours at an average charge our rate of £175.29 per hour. I will write to creditors under separate cover to seek written resolutions to fix the basis of my remuneration and to authorise me to draw certain disbursements.
- 9.3 Appendix A shows a breakdown of the time costs incurred to date.
- 9.4 Disbursements to the value of £1,039.85 have been incurred and drawn during the period covered by this report, details are as follows:

<b><u>Category 1</u></b>	<b>£</b>	<b><u>Category 2</u></b>	<b>£</b>
<b><u>Disbursements</u></b>		<b><u>Disbursements</u></b>	
Statutory Advertising	238.50	Photocopying	212.10
Insurance Bond	400.00		
Postage	129.25		
Creditor Gateway	10.00		
Creditor Gateway (Virtual Meeting)	50.00		
	<hr/>		<hr/>
	827.75		212.10
	<hr/>		<hr/>

- 9.5 Category 1 disbursements relate to external services provided which are directly attributable to the case. Category 2 disbursements relate to shared or allocated costs which generally relate to internal charges made for items such as document storage, photocopying, room hire and mileage.
- 9.6 Creditor approval is required for Category 2 disbursements to be charged as an expense of the Liquidation in accordance with best practice guidelines as set out in Statement of Insolvency Practice 9.
- 9.7 Pursuant to Rule 18.9 of the Insolvency (England and Wales) Rules 2016, a secured creditor, or an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (or with the permission of the Court), have a period of twenty-one days from the receipt of this progress report to request (in writing) further information in respect of the Liquidator's remuneration and expenses.
- 9.8 The liquidator has 14 days from receipt of the request to comply with it, but he is treated as complying if: the time or cost of preparation of the information would be excessive; if the disclosure of the information would be prejudicial to the conduct of the liquidator might reasonably be expected to lead to violence against any person; if the liquidator is subject to an obligation of confidentiality in respect of the information, and he writes to the creditor(s) giving reasons for not providing the information requested.

- 9.9 A creditor may also apply to Court within 21 days of receipt of the reasons for not providing the information requested; or upon the expiry of the 14 day period for the liquidator to provide the information.
- 9.10 Pursuant to Rule 18.34 of the Insolvency (England and Wales) Rules 2016, any secured creditor, or any unsecured creditor with the concurrence of at least 10% in value of the creditors, including that creditor (or with the permission of the Court), may make an application to the Court on the grounds that:-
- The remuneration charged by the Liquidator and, or
  - The basis fixed for the Liquidator's remuneration and, or
  - The expenses incurred by the Liquidator are excessive and, or
  - The basis fixed for the liquidator's remuneration is inappropriate

Such an application to the Court must be made within eight weeks of the date of the receipt of the progress report.

- 9.11 Further information about creditors' rights can be obtained by visiting the creditors' information published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>.
- 9.12 Further information in respect of the remuneration of Liquidators in a Creditors Voluntary Liquidation may be obtained from the R3 website using the following link: <http://www.r3.org.uk/index.cfm?page=1210>. A copy of this firm's fee policy can be obtained by sending a request to [enquiries@boothinsolvency.co.uk](mailto:enquiries@boothinsolvency.co.uk).
- 9.13 Please note that my firm's charge out rates increased with effect from 1 January 2018, further information is provided in Appendix A, attached to this report.

## **10. Dividend Prospects**

- 10.1 Sufficient Funds have been realised to pay a dividend of 100p in £ to preferential creditors. Dividend prospects for HSBC Bank plc under the terms of their floating charge, and unsecured creditors, are dependent on the final value of net property as referred to at Paragraph 6 above. In any event, after taking into account the costs of distributing the prescribed part, any dividend paid to unsecured creditors will be nominal.

## **11. Conclusion**

- 11.1 I hope this report sufficiently updates you on the conduct of the Liquidation. However, should you require any further information, please do not hesitate to contact me.

Yours faithfully



**Philip Booth**  
**Liquidator**

**Alpha Earthworks Limited**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**

Statement of Affairs £		From 09/06/2017 To 08/06/2018 £	From 09/06/2017 To 08/06/2018 £
	<b>SECURED ASSETS</b>		
23,016.00	Book Debts	NIL	NIL
		NIL	NIL
	<b>SECURED CREDITORS</b>		
(185.00)	Bibby Factors Yorkshire Limited	NIL	NIL
		NIL	NIL
	<b>HIRE PURCHASE</b>		
287,500.00	Plant & Machinery	NIL	NIL
(437,500.00)	SME Asset Finance Ltd t/a Metro Bank	NIL	NIL
180,000.00	Plant & Machinery	NIL	NIL
(183,000.00)	Paragon Bank Business Finance	NIL	NIL
445,000.00	Plant & Machinery	NIL	NIL
(460,000.00)	Close Brothers Asset Finance	NIL	NIL
175,000.00	Plant & Machinery	NIL	NIL
(223,000.00)	Aldermore Asset Finance	NIL	NIL
15,000.00	Plant & Machinery	NIL	NIL
(19,000.00)	Hitachi Capital (UK) Plc	NIL	NIL
		NIL	NIL
	<b>GENERAL SECURED GROUP</b>		
11,000.00	Book Debt	13,500.00	13,500.00
500.00	Office Equipment	NIL	NIL
Uncertain	Environmental Agency Bond	44,984.34	44,984.34
		58,484.34	58,484.34
	<b>ASSET REALISATIONS</b>		
	Book Debts	6,370.18	6,370.18
	Bank Interest Gross	16.27	16.27
		6,386.45	6,386.45
	<b>COST OF REALISATIONS</b>		
	Preparation of S. of A.	5,000.00	5,000.00
	Office Holders Expenses	1,039.85	1,039.85
	Accountants Fee	1,000.00	1,000.00
	Agents/Valuers Fees (1)	500.00	500.00
	Legal Fees (1)	885.00	885.00
	Storage Costs	62.35	62.35
	Bank Charges	9.00	9.00
		(8,496.20)	(8,496.20)
	<b>PREFERENTIAL CREDITORS</b>		
(14,304.93)	RPS (Arrears & Holiday Pay)	NIL	NIL
(2,896.77)	Employees (Arrears/Hol Pay)	NIL	NIL
		NIL	NIL
	<b>UNSECURED CREDITORS</b>		
(927,988.09)	Trade & Expense Creditors	NIL	NIL
(1,032.98)	Employees (Notice & Redundancy)	NIL	NIL
(48,618.05)	RPS (Notice & Redundancy)	NIL	NIL
(15,375.00)	Landlord - The Nostell Estate Office	NIL	NIL
(82,575.00)	HM Revenue & Customs (PAYE/NIC)	NIL	NIL
(130,735.00)	HM Revenue & Customs (VAT)	NIL	NIL
		NIL	NIL
	<b>DISTRIBUTIONS</b>		
(300.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
<b>(1,409,494.82)</b>		<b>56,374.59</b>	<b>56,374.59</b>
	<b>REPRESENTED BY</b>		

**Alpha Earthworks Limited**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**

Statement of Affairs £	From 09/06/2017 To 08/06/2018 £	From 09/06/2017 To 08/06/2018 £
REPRESENTED BY CONTINUED		
Vat Receivable		1.00
Bank 1 Current		56,373.59
		<b>56,374.59</b>



Philip Booth  
Liquidator

**BOOTH & CO – FEES & DISBURSEMENTS 2018/19****ADDITIONAL INFORMATION IN RELATION TO OFFICE HOLDER'S FEES PURSUANT TO THE PROVISIONS OF STATEMENT OF INSOLVENCY PRACTICE 9**

Please find outlined below a schedule of Booth & Co charge out rates:-

<b><u>Staff Grade</u></b>	<b><u>Rate/Hour £</u></b> (From 01/01/18)	<b><u>Rate/Hour £</u></b> (01/04/15 to 31/12/17)
Insolvency Practitioner (appointment taking)	250 - 275	225 - 250
Senior Manager	210 - 235	195 - 210
Manager	175 - 195	160 - 175
Senior Administrator	150 - 165	140 - 155
Administrator	125 - 140	115 - 130
Cashier/Support	90 - 115	75 - 110

The charge out rates are subject to periodic reviews and change. The higher rates referred to above may be applied on more complex matters. If used, creditors will be informed accordingly.

In cases of exceptional complexity, the insolvency practitioner reserves the right to obtain authority from the committee or the creditors that their remuneration shall be fixed as a percentage of the value of the assets which are realised or distributed, or both.

An analysis of time costs incurred will be provided to creditors under the following areas of activity:

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

**Disbursements**

There are two types of disbursements; direct disbursements (known as 'Category 1') and indirect disbursements (known as 'Category 2').

**i) Category 1**

Category one disbursements do not require approval by creditors. Typically, these include external supplies of incidental services specifically identifiable to the case, such as postage, advertising, invoiced travel and external printing, room hire, insolvency bond and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case.

Postage, external room hire and insolvency bond costs are charged out at the actual rate incurred.

**ii) Category 2**

Category two disbursements do require creditor approval and include elements of shared or allocated costs.

- Photocopying is charged at 15p per sheet/copy.
- Internal room hire (only charged for statutory meetings of members, creditors or a creditors' committee) is charged at £75 per hour (minimum charge £75; maximum charge £150).
- Mileage is charged at 45p per mile.
- Internal books and records storage is charged at £6 per box per annum.

### Insolvency Guide to Unsecured Creditors

The insolvency trade association, R3, has launched a website, [www.creditorinsolvencyguide.co.uk](http://www.creditorinsolvencyguide.co.uk) for cases in England and Wales, which is a step-by-step guide to the insolvency process for unsecured creditors, particularly small businesses who are unfamiliar with the insolvency process.

It sets out in straightforward English how creditors can engage in the insolvency process and includes:

- how different insolvency procedures work;
- simple explanations of insolvency terminology,
- useful tips on how to help oversee the running of the insolvency case.

For additional information regarding the remuneration of insolvency practitioners, please use the link <http://www.insolvency-practitioners.org.uk/regulation-and-guidance/england-wales> and click on 'SIP 9'.

# Time Entry - SIP9 Time & Cost Summary

ALP002 - Alpha Earthworks Limited  
Project Code: POST  
To: 07/06/2018

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	4.90	10.00	0.00	18.10	33.00	5,061.50	153.38
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	1.90	20.90	0.00	2.60	25.40	4,838.50	190.49
Investigations	2.80	2.50	0.00	1.00	6.30	1,267.50	201.19
Realisation of Assets	4.10	23.50	0.00	3.00	30.60	5,918.50	193.42
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>13.70</b>	<b>56.90</b>	<b>0.00</b>	<b>24.70</b>	<b>95.30</b>	<b>17,086.00</b>	<b>179.29</b>
<b>Total Fees Claimed</b>						<b>0.00</b>	
<b>Total Disbursements Claimed</b>						<b>0.00</b>	

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