

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

THURSDAY



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09/04/2020

#259

COMPANIES HOUSE

### 1 Company details

Company number 0 8 5 0 7 9 8 0

Company name in full London Platinum and Palladium Exchange Limited

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

### 2 Liquidator's name

Full forename(s) Nedim

Surname Ailyan

### 3 Liquidator's address

Building name/number 142-148 Main Road

Street Sidcup

Post town Kent

County/Region

Postcode D A 1 4 6 N Z

Country

### 4 Liquidator's name ①

Full forename(s) Alexander

Surname Kinninmonth

① Other liquidator  
Use this section to tell us about  
another liquidator.

### 5 Liquidator's address ②

Building name/number 142-148 Main Road

Street Sidcup

Post town Kent

County/Region

Postcode D A 1 4 6 N Z

Country

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

LIQ03

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**6** Period of progress report

|           |                   |                   |                   |                   |                   |                   |                   |                   |
|-----------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| From date | <sup>d</sup><br>0 | <sup>d</sup><br>6 | <sup>m</sup><br>0 | <sup>m</sup><br>2 | <sup>y</sup><br>2 | <sup>y</sup><br>0 | <sup>y</sup><br>1 | <sup>y</sup><br>9 |
| To date   | <sup>d</sup><br>0 | <sup>d</sup><br>5 | <sup>m</sup><br>0 | <sup>m</sup><br>2 | <sup>y</sup><br>2 | <sup>y</sup><br>0 | <sup>y</sup><br>2 | <sup>y</sup><br>0 |

**7** Progress report

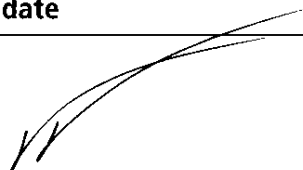
☒ The progress report is attached

**8** Sign and date

Liquidator's signature

Signature

X



X

Signature date

|                   |                   |                   |                   |                   |                   |                   |                   |
|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| <sup>d</sup><br>2 | <sup>d</sup><br>5 | <sup>m</sup><br>0 | <sup>m</sup><br>2 | <sup>y</sup><br>2 | <sup>y</sup><br>0 | <sup>y</sup><br>2 | <sup>y</sup><br>0 |
|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|

LIQ03

## Notice of progress report in voluntary winding up

**Presenter information**

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **Chloe Butler**Company name **Abbott Fielding Limited**Address **142-148 Main Road****Sidcup**Post town **Kent**

County/Region

Postcode **D A 1 4 6 N Z**

Country

DX

Telephone **020 8302 4344****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)**

**In the matter of**

**London Platinum and Palladium Exchange Limited In Liquidation  
(‘the Company’)**

**Liquidators' progress report**

**3 April 2020**

**Alexander Kinninmonth and Nedim Ailyan  
Liquidators**

**RSM Restructuring Advisory LLP  
Highfield Court, Tollgate  
Chandlers Ford  
Eastleigh  
Hampshire  
SO53 3TY  
Tel: 023 8064 6464  
Email: [restructuring.southampton@rsmuk.com](mailto:restructuring.southampton@rsmuk.com)**

**Abbott Fielding Limited  
142/148 Main Road  
Sidcup  
Kent  
DA14 6NZ  
Tel: 020 8302 4344**

## Sections

1. Progress of the liquidation in the previous twelve months
2. Details of what remains to be done and matters preventing closure
3. Creditors' claims and dividend prospects
4. Receipts and payments summary
5. Liquidators' remuneration, expenses and disbursements
6. Creditors' right to information and ability to challenge remuneration and expenses

## Appendices

- A. Statutory and other information
- B. Dividend prospects
- C. Summary of receipts and payments
- D. RSM Restructuring Advisory LLP and Abbott Fielding Limited charging, expenses and disbursements policy statement
- E. RSM Restructuring Advisory LLP Southampton and Abbott Fielding Limited current charge out and category 2 disbursement rates
- F. Statement of expenses incurred by the Liquidators' in the period from 6 February 2019 to 5 February 2020
- G. Liquidators' time cost analysis for the period from 6 February 2019 to 5 February 2020

This report has been prepared in accordance with insolvency legislation to provide creditors, members and the registrar of companies with information relating to the progress of the liquidation in the period from 6 February 2019 to 5 February 2020. It should be read in conjunction with any previous reports that have been issued, copies of which are available on request.

This report has been prepared solely to comply with the statutory requirements of Section 104A of the Insolvency Act 1986 and the relevant legislation. It has not been prepared for use in respect of any other purpose, or to inform any investment decision in relation to any debt or financial interest in the Company. Any estimated outcomes for creditors are illustrative and may be subject to significant change.

Neither the Liquidators, RSM Restructuring Advisory LLP nor Abbott Fielding Limited accept any liability whatsoever arising as a result of any decision or action taken or refrained from as a result of information contained in this report.

## **1 Progress of the liquidation in the previous twelve months**

### **1.1 Realisation of assets**

The Liquidators are obliged to collect in the Company's assets. In some cases, this does not result in sufficient realisations to enable a financial return to creditors, after taking into account the costs and expenses of realisation and dealing with the legislative requirements of administering the case. Details of the realisations made are set out below, with information relating to dividends, if any, contained within Appendix B.

#### **Bank interest**

Bank interest of £22 has been received in the period.

### **1.2 Investigations**

In accordance with our statutory obligations, we have filed the appropriate documentation with the Department for Business, Energy and Industrial Strategy (DBIS) in relation to the conduct of the directors.

The Company remains subject to ongoing City of London Police investigations and the Joint Liquidators are unable to comment further, so as to not prejudice any subsequent investigations or proceedings.

### **1.3 Change in Joint Liquidator**

As a result of Duncan Beat leaving RSM Restructuring Advisory LLP, by Court Order dated 19 June 2019 he was removed as Joint Liquidator and Alexander Kinninmonth of RSM Restructuring Advisory LLP was appointed in his place.

A Notice to this effect was advertised in the London Gazette on 28 June 2019, and in accordance with the terms of the Order, the prior appointee was released from office with effect from 26 July 2019.

The costs of the application were met by RSM Restructuring Advisory LLP. The Order also provided that each creditor of the estate was at liberty to apply to vary or discharge the Order within 28 days of publication in the Gazette (or receipt of this report, if sooner).

### **1.4 Administration and planning**

Certain aspects of the work that the Liquidators undertake are derived from the underlying legal and regulatory framework for cases of this nature. This work, which does not usually result in any direct financial return to creditors, is a necessary aspect of ensuring that the Liquidators are complying with their legislative and best practice responsibilities. It includes matters such as:

- Periodic case reviews, ongoing case planning and strategy;
- Maintaining and updating computerised case management records;
- Dealing with routine correspondence not attributable to other categories of work;
- Ongoing consideration of ethical and anti-money laundering regulations;
- General taxation matters, including seeking tax clearance from HMRC;
- Preparation of receipts and payments accounts, maintenance of cashiering records;
- Preparing, reviewing and issuing final report to creditors and other parties;
- Filing of final documentation at Companies House and other parties; and
- General administrative matters in relation to closing the case.

## **2 Details of what remains to be done and matters preventing closure**

### **2.1 Assets remaining to be realised**

There are no assets remaining to be realised.

### **2.2 Other outstanding matters**

Please see 1.2 above.

### **3 Creditors' claims and dividend prospects**

Dividend prospects and projected returns to creditors, where known, are detailed in Appendix B.. Please note that these are indicative only and should not be used as the sole or principal basis for any bad debt provision or other purposes. They may be subject to revision and additional costs.

The agreement of creditors' claims by the Liquidators is a separate matter and will be dealt with as appropriate in due course, initially by reference to the proofs of debt lodged in the proceedings by creditors themselves.

The Liquidators are obliged to deal with a number of matters in relation to creditors to comply with legislative and best practice requirements and to ensure creditors are kept informed. Creditors would only derive an indirect financial return from this work on cases where a dividend is payable. These matters include:

- Preparation and issue of progress reports and associated documentation;
- Maintenance of schedules of preferential and unsecured creditors' claims;
- Dealing with correspondence and telephone calls; and
- Where necessary, consideration of creditors' claims; acceptance or rejection of claims and complying with legislative obligations in relation to adjudication of creditors' claims generally for voting and, if applicable, dividend purposes.

### **4. Receipts and payments summary**

We attach as Appendix C a summary of our receipts and payments for the period from 6 February 2019 to 5 February 2020.

#### **VAT basis**

Receipts and payments are shown net of VAT, with any amount due to or from HM Revenue and Customs shown separately.

### **5 Liquidators' remuneration, expenses and disbursements**

#### **5.1 Authority**

The Liquidators' remuneration was approved on a time cost basis by the liquidation creditors' committee at a meeting held on 6 February 2015.

#### **5.2 Remuneration and disbursements incurred in the period from 6 February 2019 to 5 February 2020 and since appointment**

The Joint Liquidators are required to report remuneration 'charged' to the case in the current period. The Joint Liquidators have incurred time costs of £3,742 (RSM Restructuring Advisory LLP) and £2,213 (Abbott Fielding Limited) in respect of work done in the current period, a summary of which is attached. Total time costs of £74,743 have been incurred since appointment. No fees have been drawn.

The work that we do as Liquidators is derived from the responsibilities placed upon us by the underlying legal and regulatory framework for work of this nature in general. The actual matters with which we are dealing are set out briefly in both this report and in our earlier reports to creditors.

We believe this case generally to be of average complexity, and accordingly no extraordinary responsibility has to date fallen upon us as Liquidators. The underlying basis of charging proposed to and approved by the creditors has been RSM Restructuring Advisory LLP standard charge out rates. RSM Restructuring Advisory LLP charge out rates have been reviewed periodically.

#### **5.3 Expenses and disbursements**

Attached are the Joint Liquidators' charging, expenses and disbursement policy statement, together with the current rates. Details of the expenses (including category 1 and category 2 disbursements) that the Joint Liquidators have incurred in the period of the report are also attached at Appendix F. Expenses paid in the period, along with cumulative figures, are shown in the attached receipts and payments account.

### 5.3.1 Other professional costs

No other professional costs have been incurred in the period.

## 6 Creditors' right to information and ability to challenge remuneration and expenses

In accordance with legislation creditors have a right to request further information about remuneration or expenses and to challenge such remuneration or expenses.

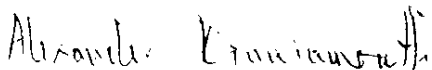
A request for further information must be made in writing within 21 days of receipt of this report.

Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to court that the remuneration charged, the basis fixed or expenses incurred by the liquidator are in all the circumstances excessive.

Any such challenge must be made no later than eight weeks after receipt of the report which first discloses the charging of remuneration or incurring of the expenses in question.

A Guide to Liquidators Fees, which provides information for creditors in relation to the remuneration of a Liquidator, can be accessed at <https://rsmuk.ips-docs.com/case/1070219/H53p8w7e> under 'general information for creditors'. A hard copy can be requested from my office by telephone, email or in writing.

Should you have any further queries please do not hesitate to contact me.



**Alexander Kinninmonth**  
**RSM Restructuring Advisory LLP**  
**Liquidator**

Alexander Kinninmonth is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales

Nedim Ailyan is licensed to act as an Insolvency Practitioner in the UK by the Insolvency Practitioners Association  
Insolvency Practitioners are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment



## Appendix A

### Statutory and other information

| Company Information         |   |
|-----------------------------|---|
| Company name:               | London Platinum and Palladium Exchange Limited                    |
| Company number:             | 08507980  |
| Date of incorporation:      | 29 April 2013   |
| Previous company names:     | -   |
| Trading name:               | -   |
| Trading address:            | -   |
| Principal activity:         | Brokerage - Selling of metals                                     |
| Registered office:          | Abbott Fielding Limited, 142-148 Main Road, Sidcup, Kent DA14 6NZ |
| Previous registered office: | Dashwood House, 69 Old Broad Street, London EC2M 1QS              |

| Liquidation information                                  |   |  |
|--|---|--|
| Joint Liquidators:                                       | Nedim Ailyan appointed 24 January 2018<br>Alexander Kinninmonth appointed 19 June 2019<br>Duncan Beat appointed 24 January 2018 and released on 26 July 2019  |  |
| Date of appointment:                                     | 6 February 2015   |  |
| Functions:   | The Liquidators' appointment specified that they would have power to act jointly and severally.<br>The Liquidators' have exercised, and will continue to exercise, all of their functions jointly and severally as stated in the notice of appointment. |  |
| Correspondence address & contact details of case manager | James Prior<br>023 8064 6520<br>RSM Restructuring Advisory LLP, Highfield Court, Tollgate, Chandlers Ford, Eastleigh, Hampshire SO53 3TY  |  |
| Name, address & contact details of Liquidators           | <b>Primary Office Holder</b><br>Alexander Kinninmonth<br>RSM Restructuring Advisory LLP<br>Highfield Court, Tollgate,<br>Chandlers Ford, Eastleigh,<br>Hampshire SO53 3TY<br>023 8064 6464<br>IP Number: 9019   | <b>Joint Office Holder</b><br>Nedim Ailyan<br>Abbott Fielding Limited<br>142-148 Main Road<br>Sidcup<br>Kent, DA14 6NZ<br>020 8302 4344<br>IP Number: 8161 |

## Appendix B

### Dividend prospects

| Dividends   | Owed*      | Paid to Date | Estimated future Prospects |
|---|------------|--------------|----------------------------|
| Secured creditor  | -          | -            | -                          |
| Preferential creditors                                      | -          | -            | -                          |
| Unsecured creditors   | £2,132,958 | -            | Not known                  |
| Estimated net property                                      | -          |              |                            |
| Estimated prescribed part available for unsecured creditors | -          |              |                            |

\*Per claims received.

Any estimated outcome for creditors is illustrative and may be subject to change.

## Appendix C

### Summary of receipts and payments

| RECEIPTS                          | Statement<br>of Affairs<br>(£) | From 06/02/2015<br>To 05/02/2019<br>(£) | From 06/02/2019<br>To 05/02/2020<br>(£) | Total<br>(£)     |
|-----------------------------------|--------------------------------|---|---|------------------|
| Stock                             | 2,000,000.00                   | 0.00                                    | 0.00                                    | 0.00             |
| Cash at Bank                      | 3,000.00                       | 2,881.57                                | 0.00                                    | 2,881.57         |
| Other Debtors                     |                                | 8,312.69                                | 0.00                                    | 8,312.69         |
| Bank Interest Gross               |                                | 26.36                                   | 22.40                                   | 48.76            |
|                                   |                                | <b>11,220.62</b>                        | <b>22.40</b>                            | <b>11,243.02</b> |
| <b>PAYMENTS</b>                   |                                |   |   |                  |
| Corporation Tax                   |                                | 0.00                                    | 3.99                                    | 3.99             |
| Customers                         | (3,046,347.13)                 | 0.00                                    | 0.00                                    | 0.00             |
| Trade & Expense Creditors         | (80,634.30)                    | 0.00                                    | 0.00                                    | 0.00             |
| HM Revenue and Customs - Corp Tax | (600,000.00)                   | 0.00                                    | 0.00                                    | 0.00             |
| Ordinary Shareholders             | (100.00)                       | 0.00                                    | 0.00                                    | 0.00             |
|                                   |                                | <b>0.00</b>                             | <b>3.99</b>                             | <b>3.99</b>      |
| <b>Net Receipts/(Payments)</b>    |                                | <b>11,220.62</b>                        | <b>18.41</b>                            | <b>11,239.03</b> |

#### MADE UP AS FOLLOWS

|                                 |                  |              |                  |
|---------------------------------|------------------|--------------|------------------|
| Interest Bearing Estate Account | 11,220.62        | 18.41        | 11,239.03        |
|                                 | <b>11,220.62</b> | <b>18.41</b> | <b>11,239.03</b> |

## Appendix D

### RSM Restructuring Advisory LLP charging, expenses and disbursements policy statement

#### Charging policy

- Partners, directors, managers, administrators, cashiers, secretarial and support staff are allocated an hourly charge out rate which is reviewed from time to time.
- Work undertaken by cashiers, secretarial and support staff will be or has been charged for separately and such work will not or has not also been charged for as part of the hourly rates charged by partners, directors, managers and administrators.
- Time spent by partners and all staff in relation to the insolvency estate is charged to the estate.
- Time is recorded in 6-minute units at the rates prevailing at the time the work is done.
- The current charge rates for RSM Restructuring Advisory LLP Southampton are attached.
- Time billed is subject to Value Added Tax at the applicable rate, where appropriate.
- It is the office holder's policy to ensure that work undertaken is carried out by the appropriate grade of staff required for each task, having regard to its complexity and the skill and experience actually required to perform it.
- RSM Restructuring Advisory LLP's charge out rates are reviewed periodically.

#### Expenses and disbursements policy

- Only expenses and disbursements properly incurred in relation to an insolvency estate are re-charged to the insolvency estate.
- Expenses and disbursements which comprise external supplies of incidental services specifically identifiable to the insolvency estate require disclosure to the relevant approving party, but do not require approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 1' disbursements.
- Expenses and disbursements which are not capable of precise identification and calculation (for example any which include an element of shared or allocated costs) or payments to outside parties that the firm or any associate has an interest, require the approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 2' disbursements.
- A decision regarding the approval of category 2 disbursements at the rates prevailing at the time the cost is incurred to RSM Restructuring Advisory LLP Southampton will be sought from the relevant approving party in accordance with the legislative requirements.
- General office overheads are not re-charged to the insolvency estate as a disbursement.
- Any payments to outside parties in which the office holder or his firm or any associate has an interest will only be made with the approval of the relevant approving party.
- Expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate, where appropriate.

## PRACTICE FEE RECOVERY POLICY FOR ABBOTT FIELDING LIMITED

### Introduction

The insolvency legislation was changed in October 2015, with one or two exceptions, for insolvency appointments made from that time. This sheet explains how we intend to apply the alternative fee bases allowed by the legislation when acting as office holder in insolvency appointments. The legislation allows different fee bases to be used for different tasks within the same appointment. The fee basis, or combination of bases, set for a particular appointment is/are subject to approval, generally by a committee if one is appointed by the creditors, failing which the creditors in general meeting, or the Court.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. Details about how an office holder's fees may be approved for each case type are available in a series of guides issued with Statement of Insolvency Practice 9 (SIP 9) and can be accessed at <http://www.abbottfielding.co.uk/information-for-creditors/>. Alternatively a hard copy is available on request. Please note that we have provided further details in this policy document.

Once the basis of the office holder's remuneration has been approved, a periodic report will be provided to any committee and also to each creditor. The report will provide a breakdown of the remuneration drawn. If approval has been obtained for remuneration on a time costs basis, i.e. by reference to time properly spent by members of staff of the practice at our standard charge out rates, the time incurred will also be disclosed, whether drawn or not, together with the average, or "blended" rates of such costs. Under the legislation, any such report must disclose how creditors can seek further information and challenge the basis on which the fees are calculated and the level of fees drawn in the period of the report. Once the time to challenge the office holder's remuneration for the period reported on has elapsed, then that remuneration cannot subsequently be challenged.

Under some old legislation, which still applies for insolvency appointments commenced before 6 April 2010, there is no equivalent mechanism for fees to be challenged.

### Time cost basis

When charging fees on a time costs basis we use charge out rates appropriate to the skills and experience of a member of staff and the work that they perform. This is combined with the amount of time that they work on each case, recorded in 6 minute units with supporting narrative to explain the work undertaken.

### Chargeout Rates

| Grade of staff              | Current charge-out rate per hour, effective from 1 February 2020<br>£ | Previous charge-out rate per hour, effective from 1 February 2019<br>£ |
|-----------------------------|---|--|
| Partner – appointment taker | 385-550   | 375-540  |
| Managers                    | 310-400   | 300-390  |
| Administrators              | 210-290   | 200-290  |
| Support Staff               | 210-280   | 200-240  |

These charge-out rates charged are reviewed on an annual basis and are adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. The work is generally recorded under the following categories:

- ✓ Administration and Planning.
- ✓ Investigations.
- ✓ Realisation of Assets.
- ✓ Creditors.
- ✓ Trading
- ✓ Case specific matters.

In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and on new appointments although we will generally continue to seek fees on a time cost basis in some circumstances we may seek time costs for the following categories:

- ✓ Investigations

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When we seek time costs approval we have to set out a fees estimate. That estimate acts as a cap on our time costs so that we cannot draw fees of more than the estimated time costs without further approval from those who approved our fees. When seeking approval for our fees, we will disclose the work that we intend to undertake, the hourly rates we intend to charge for each part of the work, and the time that we think each part of the work will take. We will summarise that information in an average or "blended" rate for all of the work being carried out within the estimate. We will also say whether we anticipate needing to seek approval to exceed the estimate and, if so, the reasons that we think that may be necessary.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If we subsequently need to seek authority to draw fees in excess of the estimate, we will say why we have exceeded, or are likely to exceed the estimate; any additional work undertaken, or proposed to be undertaken; the hourly rates proposed for each part of the work; and the time that the additional work is expected to take. As with the original estimate, we will say whether we anticipate needing further approval and, if so, why we think it may be necessary to seek further approval.

### **Percentage basis**

The legislation allows fees to be charged on a percentage of the value of the property with which the office holder has to deal (realisations and/or distributions). Different percentages can be used for different assets or types of assets. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a percentage basis more often. A report accompanying any fee request will set out the potential assets in the case, the remuneration percentage proposed for any realisations and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval, but must be disclosed to help put the remuneration request into context.

The percentage approved in respect of realisations will be charged against the assets realised, and where approval is obtained on a mixture of bases, any fixed fee and time costs will then be charged against the funds remaining in the liquidation after the realisation percentage has been deducted.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a percentage basis then an increase in the amount of the percentage applied can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the percentage applied. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

### **Fixed fee**

The legislation allows fees to be charged at a set amount. Different set amounts can be used for different tasks. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a fixed fee basis more often. A report accompanying any fee request will set out the set fee that we proposed to charge and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval, but must be disclosed to help put the remuneration request into context.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a fixed fee basis then an increase in the amount of the fixed fee can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the fixed fee. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

**:abbott:fielding:**

## **Members' voluntary liquidations and Voluntary Arrangements**

The legislation changes that took effect from 1 October 2015 did not apply to members' voluntary liquidations (MVL), Company Voluntary Arrangements (CVA) or Individual Voluntary Arrangements (IVA). In MVLs, the company's members set the fee basis, often as a fixed fee. In CVAs and IVAs, the fee basis is set out in the proposals and creditors approve the fee basis when they approve the arrangement.

## **All bases**

With the exception of Individual Voluntary Arrangements and Company Voluntary Arrangements which are VAT exempt, the officeholder's remuneration invoiced to the insolvent estate will be subject to VAT at the prevailing rate.

## **Agent's Costs**

Charged at cost based upon the charge made by the Agent instructed, the term Agent includes:

- Solicitors/Legal Advisors
- Auctioneers/Valuers
- Accountants
- Quantity Surveyors
- Estate Agents
- Other Specialist Advisors

In new appointments made after 1 October 2015, the office holder will provide details of expenses to be incurred, or likely to be incurred, when seeking fee approval. When reporting to the committee and creditors during the course of the insolvency appointment the actual expenses incurred will be compared with the original estimate provided.

## **Disbursement s**

In accordance with SIP 9 the basis of disbursement allocation in respect of disbursements incurred by the Office Holder in connection with the administration of the estate must be fully disclosed to creditors. Disbursements are categorised as either Category 1 or Category 2.

Category 1 expenses are directly referable to an invoice from a third party, which is either in the name of the estate or Abbott Fielding Limited; in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the estate. These disbursements are recoverable in full from the estate without the prior approval of creditors either by a direct payment from the estate or, where the firm has made payment on behalf of the estate, by a recharge of the amount invoiced by the third party. Examples of category 1 disbursements are statutory advertising, external meeting room hire, external storage, specific bond insurance and Company search fees.

Category 2 expenses are incurred by the firm and recharged to the estate; they are not attributed to the estate by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full from the estate, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of category 2 disbursements are photocopying, internal room hire, internal storage and mileage.

It is proposed that the following Category 2 disbursements are

|                    |               |
|--------------------|---------------|
| recovered: Mileage | 50p per mile  |
| Photocopying       | 10p per sheet |

**:abbott:fielding:**

## Appendix E

### RSM Restructuring Advisory LLP Southampton current charge out and category 2 disbursement rates

| Hourly charge out rates         | Rates at commencement<br>£ | Hourly charge out rates         | Current rates<br>£ |
|---------------------------------|----------------------------|---------------------------------|--------------------|
| Partner                         | 350 to 395                 | Partner                         | 460 to 655         |
| Directors / Associate Directors | 320 to 375                 | Directors / Associate Directors | 360 to 575         |
| Manager                         | 265                        | Manager / Assistant Managers    | 165 to 325         |
| Administrators                  | 110 to 195                 | Administrators                  | 100 to 225         |
| Support staff                   | 105                        | Support staff                   | 85 to 135          |

| Category 2 disbursement rates |                |
|-------------------------------|----------------|
| Internal room hire            | £100 per hour  |
| Subsistence                   | £25 per night  |
| Travel (car)                  | 42.5p per mile |
| 'Tracker' searches            | £10 per case   |



## Appendix F

### Statement of expenses incurred in the period from 6 February 2019 to 5 February 2020

|   | £                |            | Paid to date | Unpaid |          |
|---|------------------|------------|--------------|--------|----------|
|   | Incurred to date |            |              |        |          |
|   | Current period   | Cumulative |              |        |          |
| EXPENSES (EXCLUDING CATEGORY 2 DISBURSEMENTS)   |                  |            |              |        |          |
| RSM Restructuring Advisory LLP:                 |                  |            |              |        |          |
| Bond  |                  | 10.00      | 52.50        | -      | 52.50    |
| Website fee                                     |                  | -          | 8.00         | -      | 8.00     |
|   |                  |            |              |        |          |
| Abbott Fielding Limited:                        |                  |            |              |        |          |
| Bond  |                  | -          | 72.00        | -      | 72.00    |
| Agent's fees – ERI Recoveries Limited           |                  | -          | 250.00       | -      | 250.00   |
| Legal fees – Edwin Coe LLP                      |                  | -          | 1,656.00     | -      | 1,656.00 |
| Statutory advertising                           |                  | -          | 169.20       | -      | 169.20   |
|   |                  |            |              |        |          |
| Sub Total                                       |                  | 10.00      | 2,207.70     | -      | 2,207.70 |
|   |                  |            |              |        |          |
| CATEGORY 2 DISBURSEMENTS                        |                  |            |              |        |          |
| RSM Restructuring Advisory LLP:                 |                  | -          | -            | -      | -        |
|   |                  |            |              |        |          |
| Abbott Fielding Limited:                        |                  |            |              |        |          |
| Postage   |                  | 5.52       | 19.05        | -      | 19.05    |
| Storage agent (collection / storage of records) |                  | 4.24       | 23.24        | -      | 23.24    |
| Searches  |                  | -          | 6.00         | -      | 6.00     |
| Sub Total                                       |                  | 9.76       | 48.29        | -      | 48.29    |
|   |                  |            |              |        |          |
| Total   |                  | 19.76      | 2,255.79     | -      | 2,255.79 |

## Appendix G

### Liquidators' time cost analysis for the period from 6 February 2019 to 5 February 2020

#### RSM Restructuring Advisory LLP

| Period                             | Hours Spent                         | Partners        | Directors / Associate Directors | Managers       | Assistant Managers | Administrators  | Assistants & Support Staff | Total Hours       | Total Time Costs  | Average Rates |
|------------------------------------|-------------------------------------|-----------------|---------------------------------|----------------|--------------------|-----------------|----------------------------|-------------------|-------------------|---------------|
| <b>Administration and Planning</b> |                                     |                 |                                 |                |                    |                 |                            |                   |                   |               |
|                                    | Appointment                         | 0.0             | 0.0                             | 0.0            | 0.4                | 0.0             | 0.0                        | 0.4               | £ 106.00          | 265.00        |
|                                    | Case Management                     | 0.4             | 0.7                             | 0.1            | 4.9                | 0.7             | 0.0                        | 6.8               | £ 1,910.50        | 280.96        |
|                                    | Receipts and Payments               | 0.0             | 0.0                             | 0.0            | 0.0                | 0.3             | 0.0                        | 0.3               | £ 67.50           | 225.00        |
|                                    | <b>Total</b>                        | <b>0.4</b>      | <b>0.7</b>                      | <b>0.1</b>     | <b>5.3</b>         | <b>1.0</b>      | <b>0.0</b>                 | <b>7.5</b>        | <b>£ 2,084.00</b> | <b>277.87</b> |
| <b>Creditors</b>                   |                                     |                 |                                 |                |                    |                 |                            |                   |                   |               |
|                                    | Committee                           | 0.0             | 0.0                             | 0.0            | 0.2                | 0.0             | 0.0                        | 0.2               | £ 53.00           | 265.00        |
|                                    | Other Creditor Meetings and Reports | 0.2             | 0.7                             | 0.0            | 4.4                | 0.0             | 0.0                        | 5.3               | £ 1,537.00        | 290.00        |
|                                    | Unsecured Creditors                 | 0.0             | 0.1                             | 0.0            | 0.1                | 0.0             | 0.0                        | 0.2               | £ 68.00           | 340.00        |
|                                    | <b>Total</b>                        | <b>0.2</b>      | <b>0.8</b>                      | <b>0.0</b>     | <b>4.7</b>         | <b>0.0</b>      | <b>0.0</b>                 | <b>5.7</b>        | <b>£ 1,658.00</b> | <b>290.88</b> |
|                                    | <b>Total Hours</b>                  | <b>0.6</b>      | <b>1.5</b>                      | <b>0.1</b>     | <b>10.0</b>        | <b>1.0</b>      | <b>0.0</b>                 | <b>13.2</b>       | <b>£ 3,742.00</b> | <b>283.48</b> |
|                                    | <b>Total Time Cost</b>              | <b>£ 315.00</b> | <b>£ 610.00</b>                 | <b>£ 17.00</b> | <b>£ 2,638.00</b>  | <b>£ 162.00</b> | <b>£ 0.00</b>              | <b>£ 3,742.00</b> |                   |               |
| <b>Total Hours</b>                 |                                     | <b>0.6</b>      | <b>1.5</b>                      | <b>0.1</b>     | <b>10.0</b>        | <b>1.0</b>      | <b>0.0</b>                 | <b>13.2</b>       | <b>£ 3,742.00</b> | <b>283.48</b> |
| <b>Total Time Cost</b>             |                                     | <b>£ 315.00</b> | <b>£ 610.00</b>                 | <b>£ 17.00</b> | <b>£ 2,638.00</b>  | <b>£ 162.00</b> | <b>£ 0.00</b>              | <b>£ 3,742.00</b> |                   |               |
| <b>Average Rates</b>               |                                     | <b>525.00</b>   | <b>406.67</b>                   | <b>170.00</b>  | <b>263.80</b>      | <b>162.00</b>   | <b>0.00</b>                | <b>283.48</b>     |                   |               |

## Abbott Fielding Limited

| Hours                           |         |         |                            |                            |             | Time Cost (£) | Average hourly rate (£) |
|---------------------------------|---------|---------|----------------------------|----------------------------|-------------|---------------|-------------------------|
| Classification of work function | Partner | Manager | Other Senior Professionals | Assistants & Support Staff | Total Hours |               |                         |
| Administration & planning       | 0.00    | 0.10    | 0.00                       | 4.10                       | 4.20        | 1,096.00      | 260.95                  |
| Investigations                  | 0.00    | 0.00    | 0.00                       | 0.25                       | 0.25        | 65.00         | 260.00                  |
| Realisations 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    | 0.30    | 0.00                       | 3.70                       | 4.00        | 1,052.00      | 263.00                  |
| Case specific matters           | 0.00    | 0.00    | 0.00                       | 0.00                       | 0.00        | 0.00          | 0.00                    |
| Total Hours                     | 0.00    | 0.40    | 0.00                       | 8.05                       | 8.45        | 2,213.00      | 261.89                  |
| Total Fees Claimed              |         |         |                            |                            |             | 0.00          |                         |