

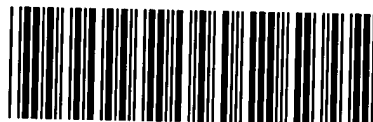
AM10

Notice of administrator's progress report



Companies House

WEDNESDAY



A9ARLGK1

A18

05/08/2020

#275

COMPANIES HOUSE

1 Company details

Company number 0 9 2 5 5 1 0 4
Company name in full Tempus Energy Technology Limited

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

2 Administrator's name

Full forename(s) Siann
Surname Huntley

3 Administrator's address

Building name/number Leonard Curtis
Street Sophia House
28-Cathedral Road
Post town Cardiff
County/Region
Postcode C F 1 1 9 L J
Country

4 Administrator's name ①

Full forename(s) Andrew
Surname Beckingham

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

5 Administrator's address ②

Building name/number Leonard Curtis
Street Sophia House
28 Cathedral Road
Post town Cardiff
County/Region
Postcode C F 1 1 9 L J
Country

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

AM10

Notice of administrator's progress report

6 Period of progress report

From date	d	0	d	6	m	0	m	1	y	2	y	0	y	2	y	0
To date	d	0	d	5	m	0	m	7	y	2	y	0	y	2	y	0

7 Progress report

☒ I attach a copy of the progress report

8 Sign and date

Administrator's
signature

Signature

X *Shirley*

X

Signature date

d	0	d	5	m	0	m	8	y	2	y	0	y	2	y	0
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

AM10

Notice of administrator's progress report

**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	Nicola Lewis
Company name	Leonard Curtis
Address	Sophia House
	28 Cathedral Road
	Cardiff
Post town	
County/Region	
Postcode	C F 1 1 9 L J
Country	
DX	
Telephone	02921 921 660

**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 or email 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



LEONARD CURTIS
BUSINESS RESCUE & RECOVERY

TEMPUS ENERGY TECHNOLOGY LIMITED
(IN ADMINISTRATION)

Registered Number: 09255104

Court Ref: CR-2020-000036

High Court of Justice, Business and Property Courts of England and Wales

**Joint Administrators' First Progress Report in Accordance
With Rule 18.3 of the Insolvency (England and Wales) Rules 2016**

**Report period
6 January 2020 to 5 July 2020**

5 August 2020

Siann Huntley and Andrew Beckingham - Joint Administrators
Leonard Curtis
Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ
Tel: 02921 921 660 Fax: 02921 921 661
General email: recovery@leonardcurtis.co.uk
Ref: C/43/NL/TA38B/1010

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**STRICTLY PRIVATE AND CONFIDENTIAL
NOT FOR PUBLICATION**

**TO: THE REGISTRAR OF COMPANIES
ALL CREDITORS
ALL MEMBERS**

1 INTRODUCTION

- 1.1 This report has been produced in accordance with Rule 18.3 of the Insolvency (England and Wales) Rules 2016 ("the Rules") to provide creditors with an update on the progress of the Administration of Tempus Energy Technology Limited ("the Company") for the period from 6 January 2020 to 5 July 2020. This is the Joint Administrators' first progress report to creditors.

2 STATUTORY INFORMATION

- 2.1 Siann Huntley and Andrew Beckingham were appointed as Joint Administrators of the Company in the jurisdiction of High Court of Justice, Business and Property Courts of England and Wales, number CR-2020-000036 on 6 January 2020. The Administration appointment was made by the Directors. The Joint Administrators can confirm that there has been no change in office-holder since the date of Administration.
- 2.2 The Administration is being handled by the Cardiff office of Leonard Curtis, which is situated at Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ.
- 2.3 The Company acts as a holding company and as such did not have any formal trading premises. The business traded under its registered name.
- 2.4 The registered office address of the Company at the date of the appointment of the Joint Administrators was Highdale House 7 Centre Court, Treforest Industrial Estate, Pontypridd, Rhondda Cynon Taff, CF37 5YR. Following the appointment, this was changed to Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ. The registered number of the Company is 09255104.
- 2.5 For the purposes of paragraph 100(2) of Schedule B1 to the Insolvency Act 1986 (as amended), it should be noted that during the period in which the Administration Order is in force, any act or function required or authorised under any enactment to be done by the Joint Administrators may be exercised by all or any of the persons holding that office.
- 2.6 The Company's main centre of operations is based in the UK. The EC Regulation on Insolvency Proceedings applies and the proceedings are main proceedings under the Regulation.

3 JOINT ADMINISTRATORS' PROPOSALS

- 3.1 Attached at Appendix A is a summary of the Joint Administrators' proposals for achieving one of the three statutory purposes of Administration.
- 3.2 The Proposals were sent to creditors on 18 February 2020. Unfortunately, no votes on the proposals were received by the decision date of 6 March 2020 and therefore the proposals have not been approved. The Joint Administrators are in the process of making an application to court in this regard, more below.
- 3.3 The objective of the Administration is to achieve a better result for the Company's creditors as a whole than would be likely if the Company were to be wound up (without first being in administration).

- 3.4 Whilst the Administrators' have continued to pursue that objective throughout the course of the Administration to date, certain matters have been identified that cannot be dealt with through an Administration process and rather are necessary to be addressed through a Liquidation process (for example, the disclaiming of certain onerous property). As a consequence, and as a Court application has already been deemed required in light of the lack of approval of the Administrators' proposals, the Administrators' application to Court will request that the Company be moved from Administration into Compulsory Liquidation. This will not prejudice any of the ongoing asset matters being attended to.

4 PROGRESS OF THE ADMINISTRATION

- 4.1 Attached at Appendix B is the Joint Administrators' receipts and payments account for the period from 6 January 2020 to 5 July 2020.

Intangible Assets & Investments

- 4.2 The Company has invested substantial funds into research and development of technology which includes the following:

Software created and supported by the Company's in-house development team, for the:

- Collection of publicly available data on the UK Balancing Mechanism Reporting Service
- Modelling of the very short term future imbalance and system buy and sell prices
- Collection of a building's electricity requirement
- Modelling of the variability of that electricity use
- Calculation of a low cost usage profile
- Electricity Management Concept / Automated Smart Technology

The Company also retains holdings in subsidiary companies Tempus Energy Limited (90% holding), Tempus Energy Germany GMBH, Tempus Energy Australia and Tempus Energy Singapore (all wholly owned).

The opportunity was subsequently marketed with the assistance of our appointed Agents, including circulating details to registered buyers and investors on our respective databases, placing online advertisements, as well as circulating details via a sector-specific publication.

Despite some interest and expressions of intent being received, no sale has been achieved, with the exception of the Singapore subsidiary which served as a wholly administrative function and retained no value. Realisations in this regard amount of 100 Singapore dollars (£55 GBP). The opportunity as a whole remains available at the time of this report, albeit future realisations in this regard are uncertain.

Funds Held at Court

- 4.3 The Company was party to Court proceedings prior to the date of Administration, whereby security was lodged at Court in the total amount of £150,000.

Enquiries have been made by our legal advisors into the Company's interest in these funds in order to establish the potential availability of any amounts capable of being returned. Our legal advisors consider that the Company does in fact hold an interest in some, if not all, of the funds lodged and have made an application to Court for directions in this regard. Further information will be provided to Creditors as matters progress.

TEMPUS ENERGY TECHNOLOGY LIMITED – IN ADMINISTRATION

Cash at Bank

- 4.4 The Company operated bank facilities with Barclays Bank Plc and Starling Bank Limited. Combined credit funds of £7,753 were transferred by the Director to Leonard Curtis client account shortly prior to the Administration leaving nil balances within the facilities.

Third Party Funds

- 4.5 Funds have been remitted to the Administration account, which relate to a payment due to its UK subsidiary. These funds are not the property of the Company.

5 ASSETS STILL TO BE REALISED

Ongoing asset realisations matters are described above. The Joint Administrators have not identified any other potential assets or recoveries to date.

6 INVESTIGATIONS

- 6.1 Following their appointment, the Joint Administrators considered the information acquired in the course of appraising and realising the business and assets of the Company, together with information provided by the Company's directors and its creditors, to identify any further possible realisations for the estate and what further investigations, if any, might be appropriate.
- 6.2 That assessment did not identify any possible further realisations. In addition, the Joint Administrators concluded that no further investigations were required. If, however, any creditor is aware of any particular matters which they consider require investigation, they should please send full details to this office at the address given at the front of this report.

7 JOINT ADMINISTRATORS' REMUNERATION AND DISBURSEMENTS

- 7.1 Pre-administration costs are defined as:

- Fees charged; and
- Expenses incurred

by the Administrator, or another person qualified to act as an insolvency practitioner before the Company entered Administration (but with a view to its doing so). "Unpaid pre-administration costs" are pre-administration costs which had not been paid when the Company entered Administration.

- 7.2 Time charged and expenses incurred by the Joint Administrators and their agents and solicitors in the period prior to their appointment are summarised below:

Charged by	Services provided	Total amount charged £	Amount paid £	Who payments made by	Amount unpaid £
Leonard Curtis	Assessing the financial position of the Company, review of whether an Administration purpose could be achieved, assistance with appointment formalities and discussions in respect of asset matters and general strategy	£165	Nil	N/a	£165
Francis Wilks & Jones Solicitors	Legal advice & support	£9,060	Nil	N/a	£9,060
	Disbursements	£50	Nil	N/a	£50

7.3 The payment of unpaid pre-administration costs (set out above) as an expense of the Administration is subject to the approval of the appropriate class of creditors, separately to the approval of the Administrators' Proposals. This approval will be the responsibility of the Creditors' Committee if one is appointed or alternatively will be by a decision of the general body of creditors.

7.4 The Proposals were sent to creditors on 18 February 2020. Unfortunately, as stated in paragraph 3.2 of this report, no votes were received by the decision date of 6 March 2020 and therefore the proposals including the payment of pre-administration costs have not been approved.

Joint Administrators' Remuneration

7.5 The Administrators' Proposals in reference to remuneration were sent to creditors on 18 February 2020. Unfortunately, as stated previously in this report, no votes were received by the decision date of 6 March 2020 and therefore the basis of the Joint Administrators' remuneration has not yet been approved.

7.6 The time charged by the Joint Administrators for the period of this report amounts to £48,149.00. This represents 104.4 hours at an average rate of £461.19 per hour. A summary of time costs incurred in the period is set out at Appendix C, together with a detailed description of work undertaken in the period, attributable to each category of time costs, and an explanation of why it was necessary for that work to be performed.

7.7 The Administration is not yet complete and it is therefore anticipated that further time costs will be incurred in dealing with this matter. As previously advised the Joint Administrators' fee basis has not as yet been approved and the information provided above is therefore for information purposes only.

7.8 Further guidance may be found in "A Creditors' Guide to Administrators' Fees" (Version 4 – April 2017) which may be downloaded from:

<https://www.r3.org.uk/technical-library/england-wales/technical-guidance/fees/>

7.9 If you would prefer this to be sent to you in hard copy please contact Siann Huntley of this office on 02921 921 660.

7.10 No remuneration has been drawn in respect of the Joint Administrators remuneration to date.

8 JOINT ADMINISTRATORS' EXPENSES

8.1 Creditors will recall that the Joint Administrators have previously circulated a 'Statement of Likely Expenses' in this matter.

Expenses are separated into the following categories:

(i) Standard Expenses: this category includes expenses payable by virtue of the nature of the Administration process and / or payable in order to comply with legal or regulatory requirements.

(ii) Case Specific Expenses: this category includes expenses likely to be payable by the Joint Administrators in carrying out their duties in dealing with issues arising in a particular case. Also included within this category are costs that are directly referable to the Administration but are not paid to an independent third party (and which may include an element of allocated costs).

These are known as "Category 2 disbursements" and are subject to the approval of the creditors. As advised earlier in this report the payment of the Category 2 disbursements has not as yet been approved.

8.2 A copy of the Joint Administrators' statement of likely expenses, together with comparative details of expenses incurred during the current reporting period and confirmation as to whether those amounts are paid or unpaid is set out at Appendix D.

TEMPUS ENERGY TECHNOLOGY LIMITED – IN ADMINISTRATION

8.3 You will note that, in general, the nature and value of expenses incurred to date fall within those anticipated within the original statement of expenses.

8.4 During the Administration, the following professional advisors and / or subcontractors have been used:

Name of Professional Advisor	Service Provided	Basis of Fees
Francis Wilks and Jones	Legal Advice	Time Costs
Cerberus Asset Management	Asset Valuation Advice	Time Costs
Richard Barber & Co	Marketing Advice and Assistance	Fixed Fee

8.5 Attached at Appendix E is additional information in relation to the firm's policy on staffing, the use of subcontractors, disbursements and details of our current charge-out rates by staff grade. Please be aware that the firm's charge out rates have been amended with effect from 1 August 2019.

8.6 Under Rule 18.9 of the Rules, within 21 days of receipt of this report, a secured creditor, or an unsecured creditor with either the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or with the permission of the court, may make a written request to the Joint Administrators for further information about remuneration or expenses set out in this report.

8.7 Under Rule 18.34 of the Rules, 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 the court, on the grounds that the basis fixed for the Joint Administrators' remuneration is inappropriate, or the remuneration or expenses charged by the Joint Administrators are, in all the circumstances, excessive.

8.8 The application must be made no later than eight weeks after receipt of the progress report that first reports the fee basis, the charging of the remuneration or the incurring of the expenses in question.

8.9 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 Administration.

9 ESTIMATED OUTCOME FOR CREDITORS

9.1 In order to assist the various classes of creditors in assessing the quantum of any dividend which may or may not be payable to them, we have produced an Estimated Outcome Statement. This is attached at Appendix F.

Secured Creditors

9.2 As previously advised, it would appear at Companies House that Origin Energy Limited hold two charges dated 2 August 2018 and 21 December 2018. However, my Solicitors have advised that the documentation registered in both cases appears to comprise copy loan agreements and not debenture documentation such that there are no charging provisions. Given the dates on which the documents were submitted any charge documents are now out of time for registering. At this time therefore, it would appear that there is no valid security registered against the Company.

Preferential Claims

9.3 There are no preferential creditors in this matter.

Prescribed Part

9.4 As the Company has no unsatisfied post-Enterprise Act charges, there will be no requirement to set aside a prescribed part in this case.

Unsecured Non-Preferential Claims

- 9.5 Based upon the information currently available, it is anticipated that there may be sufficient funds available to allow a dividend to be paid to unsecured creditors, dependent upon ongoing asset realisation matters as described above.
- 9.6 From April 2017, the Joint Administrators have had the discretion to admit claims from creditors with claims under £1,000 without receiving a proof of debt. The Joint Administrators confirm that, to date, no claims have been admitted under the small claims provisions.
- 9.7 If you have not already done so, please submit details of your claim to my office. A proof of debt form is attached at Appendix G for your ease of use.

10 MATTERS STILL TO BE DEALT WITH

- 10.1 Matters still to be dealt with before conclusion of the Administration include the following:

- The realisation of the remaining assets, as detailed in sections 4 and 5;
- The formal agreement of creditor claims;
- Attending to the potential approval of remuneration and expenses and the defrayment of such.

Please note that, subject to the outcome of the Joint Administrators' application to Court, some of these matters may be attended to by way of a subsequent Liquidation process.

11 EXTENSIONS TO THE ADMINISTRATION

- 11.1 The appointment of administrators ordinarily ceases to have effect at the end of the period of one year from the date of their appointment.
- 11.2 In certain circumstances it may be necessary to extend the administrators' term of office. In the context of this case, this may be done for a specified period not exceeding twelve months by way of a decision of the unsecured creditors in a decision procedure.
- 11.3 Subject to the outstanding application to Court to move the Company into Compulsory Liquidation, we do not believe that an extension to the Administration will be necessary in this case.
- 11.4 The Joint Administrators will be discharged from liability immediately upon their appointment as Administrators ceasing to have effect.

12 NEXT REPORT

- 12.1 The Joint Administrators are required to provide a progress report which must be delivered within one month of the end of the next six months of the Administration or earlier if the Administration has been finalised.

13 DATA PROTECTION

- 13.1 Finally, when submitting details of your claim in the administration, you may disclose personal data to the Joint Administrators. The processing of personal data is regulated in the UK by the General Data Protection Regulation EU 2016/679 as supplemented by the Data Protection Act 2018, together with other laws which relate to privacy and electronic communications. The Joint Administrators act as Data Controllers in respect of personal data they obtain in relation to this administration and are therefore responsible for complying with Data Protection Law in respect of any personal data they process. The Joint Administrators' privacy notice, which is attached to this report at Appendix I, explains how they process your personal data. Terms used in this clause bear the same meanings as are ascribed to them in Data Protection Law.

TEMPUS ENERGY TECHNOLOGY LIMITED – IN ADMINISTRATION

If you wish to discuss the issues raised in this report or require any additional information, please contact this office.

Yours faithfully
for and on behalf of

TEMPUS ENERGY TECHNOLOGY LIMITED



SIANN HUNTLEY
JOINT ADMINISTRATOR

Siann Huntley and Andrew Beckingham are authorised to act as insolvency practitioners in the UK by the Institute of Chartered Accountants in England and Wales under office holder numbers 19130 and 8683, respectively

The affairs, business and property of the Company are being managed by the Joint Administrators, who act as agents of the Company without personal liability.

SUMMARY OF JOINT ADMINISTRATORS' PROPOSALS

1. The Joint Administrators continue to manage the business, affairs and property of the Company in such a manner as they consider expedient with a view to achieving the statutory purposes of the Administration.
2. If appropriate, the Joint Administrators take any action they consider necessary with a view to the approval of a Company Voluntary Arrangement ("CVA") or Scheme of Arrangement in relation to the Company.
3. If appropriate, the Joint Administrators file a notice with the Registrar of Companies in order that the Administration will cease and the Company will move automatically into Creditors' Voluntary Liquidation ("CVL"). It is further proposed that the Joint Administrators in office at the date of conversion to CVL will become the Joint Liquidators of the Company, and that where Joint Liquidators are proposed any act required or authorised to be done by the Joint Liquidators may be exercised by both or either of them. NB. Creditors may nominate a different person as the proposed Liquidator, provided that the nomination is made after receipt of these proposals and before the proposals are approved.
4. Alternatively, if appropriate, the Joint Administrators apply to Court under Para 65(3) of Schedule B1 to the Insolvency Act 1986 (as amended) for permission to make a distribution to the unsecured creditors within the Administration.
5. In the event that there are no monies remaining to be distributed to creditors and as soon as all matters relating to the Administration have been completed, the Joint Administrators file a Notice with the Registrar of Companies that the Company should be dissolved.
6. The Joint Administrators investigate and, if appropriate, pursue any claims that they or the Company may have against any directors or former directors, other third parties, officers or former officers, advisers or former advisers of the Company.
7. The Company may be placed into compulsory liquidation in circumstances where assets are still to be realised or investigations concluded yet there will be no return to unsecured creditors. In these circumstances it is further proposed that Siann Huntley and/or Andrew Beckingham be appointed Joint Liquidators of the Company and that where Joint Liquidators are proposed any act required or authorised to be done by the Joint Liquidators may be exercised by both or either of them.
8. The Joint Administrators shall do all such other things and generally exercise all of his powers as contained in Schedule 1 of the Insolvency Act 1986, as he considers desirable or expedient to achieve the statutory purpose of the Administration.

**SUMMARY OF JOINT ADMINISTRATORS' RECEIPTS AND PAYMENTS ACCOUNT FOR THE PERIOD FROM
6 JANUARY 2020 TO 5 JULY 2020**

	Estimated to realise £	This period £
RECEIPTS		
Cash in Hand	7,753	7,753.37
Funds held at Court	60,000	Nil
VAT Refund	2,848	Nil
Third Party Funds	Nil	3,000.00
Subsidiary Shareholdings	Nil	55.44
Deposit Interest Gross	Nil	3.24
	<u>70,601</u>	<u>10,812.05</u>
PAYMENTS		
Agents' Fees and Expenses		1,515.00
		<u>1,515.00</u>
		<u>9,297.05</u>
Represented by		
Balance at Bank		8,994.05
VAT Control Account		303.00
		<u>9,297.05</u>

SUMMARY OF JOINT ADMINISTRATORS' TIME COSTS FOR THE PERIOD
FROM 6 JANUARY 2020 TO 5 JULY 2020

	Units	Average hourly rate £	Cost £
Statutory and review	286	493.39	14,111.00
Receipts and payments	13	303.46	394.50
Insurance, bonding and pensions	33	241.67	797.50
Assets	370	522.08	19,317.00
Liabilities	89	343.65	3,058.50
General Administration	154	466.10	7,178.00
Appointment	45	216.11	972.50
Planning & Strategy	10	395.00	395.00
Post Appointment Creditors Meeting	6	165.00	99.00
Investigations	38	480.53	1,826.00
	1,044	461.19	48,149.00

DESCRIPTION OF TIME SPENT BY CATEGORY

Statutory and Review

This category of activity encompasses work undertaken for both statutory and case management purposes. Whilst this work will not directly result in any monetary value for creditors, it ensures that the case is managed efficiently and resourced appropriately, which is of benefit to all creditors. The work to be carried out under this category has comprised the following:

- Case management reviews. These will be carried out periodically throughout the life of the case. In the early stages of the case this will involve weekly team meetings to discuss and agree case strategy and a month 1 review by the firm's Compliance team to ensure that all statutory and best practice matters have been dealt with appropriately. As the case progresses we will as a minimum carry out three monthly and six monthly reviews to ensure that the case is progressing as planned.
- Allocation of staff, management of staff, case resourcing and budgeting. In general efforts have and will be made to keep case costs to a minimum where possible. However, given the nature of the this case, it has and will necessitate the ongoing attendance by senior members of staff;
- Review of time costs data to ensure accurate posting of time and to ensure compliance with Statement of Insolvency Practice 9;
- Review of work carried out by more junior members of staff to ensure quality of work and adherence to standards, legislation and best practice;
- The team is required under the Company Directors' Disqualification Act 1986 to review the Company's records and consider information provided by creditors on the conduct of the all directors involved in the Company during the three years leading up to the insolvency. This will result in the preparation and submission of statutory returns or reports on all directors to the Insolvency Service. Evidence of unfit conduct can result in directors being disqualified for periods of up to 15 years;
- Review of directors' sworn statement of affairs and filing of document at Companies House in accordance with statutory requirements; and

Receipts and Payments

This category of work will not result in a direct financial benefit for creditors. However, close monitoring of case bank accounts is essential to ensure that bank interest is maximised where possible, estate expenses are properly managed and kept to a minimum and amounts payable to creditors are identified and distributed promptly.

- Opening of case bank accounts.
- Management of case bank account(s) to ensure compliance with relevant risk management procedures;
- Regular review of case bank account by senior member of staff.
- Preparation of periodic receipts and payments accounts for inclusion in statutory reports The Joint Administrators will, as a minimum, issue a full report to creditors at least twice during the course of the administration
- Timely completion of all post appointment tax and VAT returns; and
- Managing estate expenses

Insurance, Bonding and Pensions

Insolvency Practitioners are obliged to comply with certain statutory requirements when conducting their cases. Some of these requirements are in place to protect company assets (see insurance and bonding matters below), whilst requirements in respect of company pension schemes are there to protect the pension funds of Company employees. Whilst there is no direct financial benefit to Company creditors in dealing with these, close control of case expenditure is crucial to delivering maximum returns to the appropriate class of creditor.

TEMPUS ENERGY TECHNOLOGY LIMITED – IN ADMINISTRATION

- Calculation and request of joint administrators' bond in accordance with the Insolvency Practitioners' Regulations 2005. A Bond is a legal requirement on all administrations and is essentially an insurance policy to protect creditors against the fraud or dishonesty of the Insolvency Practitioner. The bond is calculated by reference to the value of assets which are estimated before costs to be available to unsecured creditors;
- Periodic review of bonding requirements to ensure that creditors are appropriately protected. The bond is reviewed upon each large receipt of monies into the case and also at three month intervals in accordance with best practice;
- Completion and submission of statutory notifications under the Pensions Act 2004. This includes liaising with the Company directors to establish the existence of Company pension schemes, making the statutory notifications under s22 and s120 of the pensions legislation; liaising with pensions providers to understand the nature of the scheme. and submitting claims to the Redundancy Payments Service for reimbursement of unpaid contributions to the scheme.

Assets

- Preparing and delivering strategy for realisation of Company assets including gathering pertinent information regarding the company's I.P. and subsidiary interests.
- Liaising with Agents and PR consultants in reference to appropriate delivery of an appropriate marketing campaign.
- Preparation of marketing materials.
- Liaising with interested parties, taking agents and legal advice as needed.
- Instruction and ongoing work with Solicitors in reference to the potential recovery of funds held at Court.
- Ongoing monitoring and progression of the above.
- Liaising with Company's bankers re pre-appointment bank accounts;

Liabilities

This category of time includes both statutory and non-statutory matters.

Statutory

- Processing of claims from the Company's creditors. The Company has an estimated 6 creditors whose claims will be initially recorded by the Joint Administrators at this stage;
- Preparation and submission of periodic progress reports to creditors. The Joint Administrators will, as a minimum, issue a full report to creditors at least twice during the course of the administration; and
- Preparation of Joint Administrators' Proposals for achieving a statutory purpose of the administration.

Non-statutory

- Dealing with general enquiries from the Company's creditors.

General Administration

- General planning matters and practical issues as they arise;
- Setting up and maintaining the Joint Administrators' records;
- Arranging storage of company records.
- Dealing with general correspondence and communicating with directors and shareholders.

Appointment

There are certain tasks which the Joint Administrators have a statutory obligation to undertake during the administration process. Other tasks are completed in order to ensure the administration is progressed to the benefit of all creditors and stakeholders. Actions completed to date are both statutory and non-statutory and include the following:

TEMPUS ENERGY TECHNOLOGY LIMITED – IN ADMINISTRATION

- Statutory notifications to creditors and other interested parties following the Joint Administrators' appointment;
- Preparation of case plan; and
- Formulation of case strategy, including recording of any strategic decisions.

Post Appointment Creditors' Decisions

Agreeing and reporting on our proposals and fee basis is a statutory requirement. Work completed to date includes the following:

- Preparation of Joint Administrators' Proposals for achieving a statutory purpose of the Administration;
- Preparation of Fees Estimate and Statement of Expenses in accordance with the Rules; and
- Convening a decision by correspondence to agree Fees Estimate with appropriate body of creditors;
- Reporting on outcome of voting.
- Application to Court.

Investigations

- Conducting initial investigations into the Company's affairs/records to identify the possibility of further realisations and enable the submission of returns due under the Company Directors Disqualification Act 1986.

**SUMMARY OF JOINT ADMINISTRATORS' EXPENSES
FROM 6 JANUARY 2020 TO 5 JULY 2020
INCORPORATING A COMPARISON OF THE JOINT ADMINISTRATORS'
STATEMENT OF LIKELY EXPENSES**

Standard Expenses

Type	Charged by	Description	Estimated Amount £	Total Amount Incurred to Date £	Amount Incurred in This Period £	Amount Paid £	Amount Unpaid £
AML Checks	Business Tax Centre	Electronic client verification	33.60	28.00	28.00	0.00	28.00
Bond Fee	AUA Insolvency Risk Services	Insurance bond	260.00	25.00	25.00	0.00	25.00
Document Hosting	Pelstar	Hosting of documents for creditors	70.00	28.00	28.00	0.00	28.00
Software Licence Fee	Pelstar	Case management system licence fee	87.00	87.00	87.00	0.00	87.00
Statutory Advertising	Courts Advertising	Advertising	111.00	91.80	91.80	0.00	91.80
Storage Costs		Storage of books and records	500.00	0.00	0.00	0.00	0.00
		Total standard expenses	1,061.60	259.80	259.80	0.00	259.80

Case Specific Expenses

Type	Charged by	Description	Estimated Amount £	Total Amount Incurred to Date £	Amount Incurred in This Period £	Amount Paid £	Amount Unpaid £
Marketing Fees	Richard Barber & Co	Marketing Commercial property	1,515.00	1,515.00	1,515.00	1,515.00	0.00
Agents Fees	Cerberus	Asset valuation advice	2,000	TBC	TBC	Nil	TBC
Legal Fees	Francis Wilks and Jones Solicitors	Costs of Appointed solicitors	20,000	TBC	TBC	Nil	TBC
		Total case specific expenses	23,515	TBC	TBC	Nil	TBC

LEONARD CURTIS POLICY REGARDING FEES, EXPENSES AND DISBURSEMENTS

The following Leonard Curtis policy information is considered to be relevant to creditors:

Staff Allocation and Charge Out Rates

We take an objective and practical approach to each assignment which includes active director involvement from the outset. Other members of staff will be assigned on the basis of experience and specific skills to match the needs of the case. Time spent by secretarial and other support staff on specific case related matters, e.g. report despatching, is not charged.

Where it has been agreed by resolution that the office holders' remuneration will be calculated by reference to the time properly given by the office holders and their staff in attending to matters as set out in a fees estimate, then such remuneration will be calculated in units of 6 minutes at the standard hourly rates given below. In cases of exceptional complexity or risk, the insolvency practitioner reserves the right to obtain authority from the appropriate body of creditors that their remuneration on such time shall be charged at the higher complex rate given below.

The following hourly charge out rates apply to all assignments undertaken by Leonard Curtis:

6 Jan 2014 onwards	Standard	Complex	1 Aug 2019 onwards	Standard	Complex
	£	£		£	£
Director	450	562	Director	525	656
Senior Manager	410	512	Senior Manager	445	556
Manager 1	365	456	Manager 1	395	494
Manager 2	320	400	Manager 2	345	431
Administrator 1	260	325	Administrator 1	280	350
Administrator 2	230	287	Administrator 2	250	313
Administrator 3	210	262	Administrator 3	230	288
Administrator 4	150	187	Administrator 4	165	206
Support	0	0	Support	0	0

Office holders' remuneration may include costs incurred by the firm's in-house legal team, who may be used for non-contentious matters pertaining to the insolvency appointment.

Subcontractors

Where we subcontract out work that could otherwise be carried out by the office holder or his/her staff, this will be drawn to the attention of creditors in any report which incorporates a request for approval of the basis upon which remuneration may be charged. An explanation of why the work has been subcontracted out will also be provided.

Professional Advisors

Details of any professional advisor(s) used will be given in reports to creditors. Unless otherwise indicated the fee arrangement for each is based on hourly charge out rates, which are reviewed on a regular basis, together with the recovery of relevant disbursements.

The choice of professional advisors is based around a number of factors including, but not restricted to, their expertise in a particular field, the complexity or otherwise of the assignment and their geographic location.

Expenses

We are required to provide creditors with an estimate of the expenses we expect to be incurred in respect of an assignment and report back to them on actual expenses incurred and paid in our periodic progress reports. There are two broad categories of expenses: standard expenses and case specific expenses. These are explained in more detail below:

- a) Standard Expenses – this category includes expenses which are payable in order to comply with legal or regulatory requirements and therefore will generally be incurred on every case. They will include:

TEMPUS ENERGY TECHNOLOGY LIMITED – IN ADMINISTRATION

Type	Description	Amount																								
AML checks	Electronic client verification in compliance with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017	£5.00 plus VAT per search																								
Bond / Bordereau fee	Insurance bond to protect the insolvent entity against and losses suffered as a result of the fraud or dishonesty of the IP	£10.00 to £1,200.00 dependent on value of assets within case																								
Company searches	Extraction of company information from Companies House	£1.00 per document unless document can be accessed via the free service																								
Document hosting	Hosting of documents for creditors/shareholders. Cost per upload, plus VAT.	<table><tr><th>Type</th><th>First 100</th><th>Every addtl 10</th></tr><tr><td>ADM</td><td>£14.00</td><td>£1.40</td></tr><tr><td>CVL</td><td>£7.00</td><td>£0.70</td></tr><tr><td>MVL</td><td>£7.00</td><td>£0.70</td></tr><tr><td>CPL</td><td>£7.00</td><td>£0.70</td></tr><tr><td>CVA</td><td>£10.00</td><td>£1.00</td></tr><tr><td>BKY</td><td>£10.00</td><td>£1.00</td></tr><tr><td>IVA</td><td colspan="2">£10 p.a. or £25 for life of case</td></tr></table>	Type	First 100	Every addtl 10	ADM	£14.00	£1.40	CVL	£7.00	£0.70	MVL	£7.00	£0.70	CPL	£7.00	£0.70	CVA	£10.00	£1.00	BKY	£10.00	£1.00	IVA	£10 p.a. or £25 for life of case	
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BKY	£10.00	£1.00																								
IVA	£10 p.a. or £25 for life of case																									
Post re-direction	Redirection of post from Company's premises to office-holders' address	0-3 months £204.00 3-6 months £303.00 6-12 months £490.00																								
Software Licence fee	Payable to software provider for use of case management system	£37.00 plus VAT per case																								
Statutory advertising	Advertising of appointment, notice of meetings etc. - London Gazette - Other	£91.80 - £102.00 plus VAT per advert Dependent upon advert and publication																								
Storage costs	Costs of storage of case books and records	£5.07 plus VAT per box per annum plus handling charges																								

- b) Case-specific expenses – this category includes expenses (other than office-holders' fees) which are likely to be payable on every case but which will vary depending upon the nature and complexity of the case and the assets to be realised. They will include:

Type	Description	Amount
Agents' fees	Costs of appointed agents in valuing and realising assets	Time costs plus disbursements plus VAT
Debt Collection fees	Costs of appointed debt collectors in realising debts	Generally agreed as a % of realisations plus disbursements plus VAT
Legal fees	Costs of externally appointed solicitors. Will generally comprise advice on validity of appointment, drafting of sale contracts, advice on retention of title issues and advice on any reviewable transactions.	Time costs plus disbursements plus VAT
Other disbursements	See disbursements section below	See disbursements section below

Disbursements

Included within both of the above categories of expenses are disbursements, being amounts paid firstly by Leonard Curtis on behalf of the insolvent entity and then recovered from the entity at a later stage. These are described as Category 1 and Category 2 disbursements.

- a) Category 1 disbursements: These are costs where there is specific expenditure directly referable both to the appointment in question and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses (excl. mileage), and equivalent costs reimbursed to the office holder or his or her staff. Category 1 disbursements may be drawn without prior approval.
- b) Category 2 disbursements: These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage. In the event of charging for category 2 disbursements the following items of expenditure are recharged on this basis and are believed to be in line with the cost of external provision:
- | | |
|--|---|
| Internal photocopying | 10p per copy |
| General stationery, postage, telephone etc | £100 per 100 creditors/ members or part thereof |
| Storage of office files (6 years) | £81.25 per box |
| Business mileage | 45p per mile |

Category 2 disbursements may be drawn if they have been approved in the same manner as an office holder's remuneration.

TEMPUS ENERGY TECHNOLOGY LIMITED – IN ADMINISTRATION

APPENDIX F

ESTIMATED OUTCOME STATEMENT

	Secured	Financed	Preferential	Unsecured
	£'000	£'000	£'000	£'000
Amount available to class of creditor	N/a	N/a	N/a	6,749
Amount due to creditor per Estimated Financial Position	N/a	N/a	N/a	(1,090,772)
Estimated dividend rate (as a %)	N/a	N/a	N/a	1%

Proof of Debt – General Form
Relevant date: 6 January 2020

Please e-mail completed form to:

recovery@leonardcurtis.co.uk quoting ref: TA38B/NL/PROOF

Name of Company in Administration:

Tempus Energy Technology Limited

Company registered number:

09255104

1. Name of creditor (if a company, provide registration number)
2. Correspondence address of creditor (including email address)
3. Total amount of claim (£) at relevant date (include any Value Added Tax)
4. If amount in 3 above includes outstanding uncapitalised interest, state amount (£)
5. Details of how and when the debt was incurred (if you need more space attach a continuation sheet to this form)
6. Details of any security held, the value of the security and the date it was given

TEMPUS ENERGY TECHNOLOGY LIMITED – IN ADMINISTRATION

7. Details of any reservation of title claimed in respect of goods supplied to which the debt relates

8. Details of any document by reference to which the debt relates

9. Signature of creditor (or person authorised to act on the creditor's behalf)

10. Date of signing:

11. Address of person signing (if different from 2 above)

12. Name in BLOCK LETTERS

13. Position with, or relation to, creditor

Notes:

1. There is no need to attach them now but the office-holder may ask you to produce any document or other evidence which is considered necessary to substantiate the whole or any part of the claim, as may the chairman or convenor of any qualifying decision procedure.
2. This form can be authenticated for submission by email by entering your name in block capitals and sending the form as an attachment from an email address which clearly identifies you or has been previously notified to the office-holder. If completing on behalf of the company, please state your relationship to the company.
3. **Please e-mail completed form to:**

recovery@leonardcurtis.co.uk quoting ref: TA38B/NL/PROOF

PRIVACY NOTICE

**LEONARD CURTIS
PRIVACY NOTICE FOR CREDITORS**

Information we collect and hold about you

By requesting details of your claim in this insolvency, we may collect Personal Data from you, particularly if you are a consumer creditor, a sole trader or are lodging a claim in your personal capacity.

Personal Data is information relating to a living individual. Whenever Personal Data is processed, collected, recorded, stored or disposed of it must be done within the terms of the General Data Protection Regulation ("the GDPR"). Examples of Personal Data include but may not be limited to your name, address, telephone number and email contact details.

If you do not provide us with the information we require, this may adversely affect our ability to deal with your claim, but we would ask you not to submit more Personal Data than we request from you.

Legal justification for processing your Personal Data

The processing of your Personal Data by us is necessary to enable us to comply with legal obligations under the Insolvency Act 1986 and associated legislation which we are subject to as Insolvency Practitioners.

How we use your information

All information you supply to us is required to enable us to comply with our duties under the Insolvency Act 1986 and associated legislation. It will be used to enable us to assess the extent of the insolvent entity's liabilities, to allow you to vote on any decision procedures, to enable us to communicate with you, to process your claim and to pay any dividends which may be due to you from the insolvent estate.

Who we share your information with

We may be required to share some of your Personal Data with other creditors. The data which will be shared with other creditors will be limited to that specifically required to be disclosed under insolvency legislation.

We may share some of your information with our Data Processors. Data Processors include solicitors, accountants and employment law specialists who assist us with our duties where required. We will only share your information with our Data Processors if we require their specialist advice. All of our Data Processors are subject to written contracts with us to ensure that your Personal Data is processed only in accordance with the GDPR.

How long will we hold your Personal Data for?

We will need to hold your Personal Data for a period of time after the insolvency has been concluded. This is to enable us to deal with any queries which might arise. Our Records Management Policy requires us to destroy our physical files 6 years after closure of the case. Electronic data files will be removed from our Case Management System 6 years after conclusion of the case but may be held on our server for a longer period of time but with restricted access.

Your rights in respect of your Personal Data

You have the right to request access to your Personal Data and to require it to be corrected or erased. You also have the right to request a restriction in the way we process your Personal Data or to object to its processing. You should be aware however that we may not be able to comply with your request if this would affect our ability to comply with our legal obligations.

You have the right to Data Portability. This is a right to have the Personal Data we hold about you to be provided to you in a commonly used and machine-readable format so that you can transfer that Data to another organisation in a way that is not too onerous to upload the Data.

Your right to complain

You have the right to be confident that we are handling your Personal Data responsibly and in line with good practice. If you have a concern about the way we are handling your Personal Data you should contact our Privacy Manager in the first instance.

If you are unable to resolve your concerns with us, you have the right to complain to the Information Commissioners' Office. The Information Commissioner can be contacted at Wydliffe House, Water Lane, Wilmslow, Cheshire SK6 5AF or on 0303 123 1113.

TEMPUS ENERGY TECHNOLOGY LIMITED – IN ADMINISTRATION

Contacting us

If you have any questions relating to the processing of your Personal Data, please write to our Privacy Manager at Leonard Curtis, 5th Floor, Grove House, 248A Marylebone Road, London NW1 6BB Alternatively our Privacy Manager can be contacted by telephone on 0207 535 7000 or by email: privacy@leonardcurtis.co.uk.

Data Controller: LEONARD CURTIS