

**Return of Final Meeting in a  
Creditors' Voluntary Winding Up****Pursuant to Section 106 of the  
Insolvency Act 1986****To the Registrar of Companies****S.106**

Company Number

04935189

Name of Company

Frontline Ideas Limited

I/We Adam Peter Jordan  
Bridge House  
Riverside North  
Bewdley  
Worcestershire  
DY12 1AB

Nickolas Garth Rimes  
Bridge House  
Riverside North  
Bewdley  
Worcestershire  
DY12 1AB

Note: The copy account must be  
authenticated by the written  
signature(s) of the Liquidator(s)

1 give notice that a general meeting of the company was duly ~~held on~~/summoned for 08 November 2013 pursuant to section 106 of the Insolvency Act 1986, for the purpose of having an account (of which a copy is attached) laid before it showing how the winding up of the company has been disposed of, and that ~~the same was done accordingly~~/no quorum was present at the meeting.

2 give notice that a meeting of the creditors of the company was duly ~~held on~~/summoned for 08 November 2013 pursuant to Section 106 of the Insolvency Act 1986, for the purpose of having the said account laid before it showing how the winding up the company has been conducted and the property of the company has been disposed of and that ~~the same was done accordingly~~/no quorum was present at the meeting

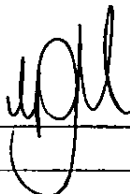
The meeting was held at Bridge House, Riverside North, Bewdley, DY12 1AB

The winding up covers the period from 12 September 2011 (opening of winding up) to the final meeting (close of winding up)

The outcome of any meeting (including any resolutions passed) was as follows

*No resolutions were passed as no quorum was present at the meeting.*

Signed



Date 12 November 2013

Rimes & Co  
Bridge House  
Riverside North  
Bewdley  
Worcestershire  
DY12 1AB

Ref FRON0706/AJ/NR/AM

WEDNESDAY



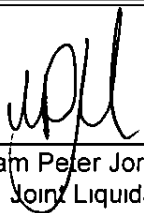
A04 \*A2L2LBNU\* #146  
13/11/2013  
COMPANIES HOUSE

**Frontline Ideas Limited**  
**(In Liquidation)**  
**Joint Liquidators' Abstract of Receipts & Payments**  
**From 12 September 2011 To 8 November 2013**

S of A £		£	£
	<b>UNSECURED CREDITORS</b>		
(25,000 00)	Xellence Associates Limited	NIL	
(158,671 00)	Lugg Facilities Limited- In Liquidation	NIL	
(89,101 00)	Mr J B Smith	NIL	
			NIL
	<b>DISTRIBUTIONS</b>		
(1,020 00)	Ordinary Shareholders	NIL	
			NIL
<b>(273,792 00)</b>			<b>NIL</b>

REPRESENTED BY

NIL

  
Adam Peter Jordan  
Joint Liquidator

# RIMES & CO

Licensed Insolvency Practitioners

**PRIVATE & CONFIDENTIAL  
TO MEMBERS AND ALL KNOWN CREDITORS**

Our Ref FRON0706/NR/AJ/AM/Z

8 November 2013

Dear Sirs

**Frontline Ideas Limited – In Liquidation**

**Company No: 04935189**

**Registered Office, as Bewdley, address below**

Further to our appointment as Joint Liquidators of the company on 12 September 2011 we are now in a position to conclude the Liquidation and to provide you with our final report on the administration of the estate, in accordance with Section 106 of the Insolvency Act 1986, (as amended) ("the Act") and the Insolvency Rules 1986 (as amended) ("the Rules")

Throughout the Liquidation, the Joint Liquidators have acted jointly and severally

The Joint Liquidators' Abstract of Receipts and Payments from the date of our last progress report to 5 September 2013 and for the Liquidation as a whole is enclosed at **Appendix A**

## **RECEIPTS AND PAYMENTS**

There have been no receipts or payments during the course of the Liquidation

## **INVESTIGATIONS**

We have submitted our statutory report to the Department of Business, Innovation and Skills on the conduct of the Director in accordance with the Insolvent Companies (Report on Conduct of Directors) Rules 1996 and the Company Directors Disqualification Act 1986. The content of this report is, however, strictly private and confidential

We also have a duty to investigate the extent of the company's assets, including potential claims against third parties including the Director and to report our findings to creditors, subject to considerations of privilege and confidentiality and whether those investigations and/or any potential litigation might be compromised

Our preliminary assessment of the conduct of the company's affairs by the Director prior to our appointment did not reveal any matters that it was in the interests of creditors for us to pursue. Accordingly, we did not conduct any further, more detailed investigations

Bridge House, Riverside North, Bewdley DY12 1AB

Tel (01299) 406355 | Fax (01299) 406356

Email [info@rimesandco.co.uk](mailto:info@rimesandco.co.uk) | Website [www.rimesandco.co.uk](http://www.rimesandco.co.uk)

Also at 1 Brassey Road, Old Potts Way, Shrewsbury SY3 7FA

N G Rimes MABRP is licensed to act as an Insolvency Practitioner in the United Kingdom by The Secretary of State for the Department of Business, Innovation & Skills

A P Jordan MABRP MIPA is licensed to act as an Insolvency Practitioner in the United Kingdom by the Insolvency Practitioners Association

Rimes & Co is the trading name of Rimes & Co Limited registered in England and Wales under no. 06852450 whose registered offices are Birch House, Harris Business Park, Bromsgrove, B60 4DJ



## OUTCOME FOR CREDITORS

### Secured Creditors and the Prescribed Part

Section 176A of the Act provides that where a company has created a floating charge after 15 September 2003, the Liquidator must make a Prescribed Part of the company's net property available for the unsecured creditors. Net property means the amount that would, if not for this section of the Act, be available for distribution to a floating charge holder out of floating charge assets.

There are no secured creditors. Accordingly the Prescribed Part provisions of the Act whereby a proportion of funds due to a Qualifying Floating Chargeholder have to be set aside for the benefit of unsecured creditors do not apply to the company.

### Preferential Creditors

There were no preferential claims identified in the Director's Estimated Statement of Affairs and no preferential claims have been received during the Liquidation.

### Unsecured Creditors

Our first progress report dated 24 October 2012 contained formal Notice in accordance with Rule 4.186 and Rule 11.7 of the Rules that no dividend was available for any class of creditor as the funds realised had or would be necessarily used to defray the costs of the Liquidation.

## JOINT LIQUIDATORS' FEES, DISBURSEMENTS AND EXPENSES

### Basis of remuneration and disbursements

At the initial meeting of creditors held pursuant to Section 98 of the Act on 12 September 2011, it was resolved that the Joint Liquidators would be remunerated by reference to time properly spent in dealing with this matter at the firm's standard charge out rates, and that disbursements would be drawn in accordance with the firm's standard tariff.

Since the original approval of the basis of remuneration there has not been a change to the firm's charge out rates and disbursement tariff, a copy of this is attached at **Appendix B**.

### Remuneration charged and drawn

Time costs to date amount to £2,293.50 which represents 17.00 hours at an average hourly rate of £135.00.

A breakdown of these time costs is attached at **Appendix C**. We are required to provide the information in this format by Statement of Insolvency Practice 9.

It has not been possible to draw any remuneration during the Liquidation.

### Disbursements charged and drawn

Details of disbursements charged and drawn are given in **Appendix D**.

Category 1 disbursements are in respect of expenses that were directly attributable to the case. Category 2 disbursements required specific authorisation and consist of disbursements that are not specifically identifiable to the case.

# RIMES & CO

Licensed Insolvency Practitioners

It has not been possible to reimburse and disbursements incurred

## Expenses charged and drawn

Details of expenses charged and drawn are also given in **Appendix D**

We comment specifically that at the first meeting of creditors held on 12 September 2011 it was resolved that the fees and disbursements of Rimes & Co for assisting the Director in convening the statutory meetings to place the company into Liquidation, and for assistance in preparing the Statement of Affairs, would be a set fee of £3,000 plus disbursements and VAT and would be paid out of the assets of the company

As the company did not own any assets at the date of Liquidation, we can confirm the Director has met the cost personally for the assistance in convening the statutory meetings and preparing the Statement of Affairs of £3,000 plus VAT

## **Creditors' Guide to Fees and statement of creditors' rights**

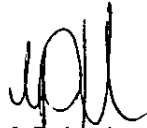
If you require further information relating to the Joint Liquidators' remuneration, expenses and disbursements please see **Appendix E** This also gives details of your rights as a creditor in this regard

## **DISSOLUTION**

The company will be dissolved automatically three months after the date that the report on the final meeting is registered at Companies House No further action is required on your part

If you require any further information, please do not hesitate to contact Ansar Mahmood on 01299 406355 or at the above address

Yours faithfully



**A P Jordan**  
Joint Liquidator

**Frontline Ideas Limited**  
**(In Liquidation)**  
**Joint Liquidators' Abstract of Receipts & Payments**

Appendix A

Statement of Affairs		From 12/09/2013 To 08/11/2013	From 12/09/2011 To 08/11/2013
	<b>UNSECURED CREDITORS</b>		
(25,000 00)	Xellence Associates Limited	NIL	NIL
(158,671 00)	Lugg Facilities Limited- In Liquidation	NIL	NIL
(89,101 00)	Mr J B Smith	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	<b>DISTRIBUTIONS</b>		
(1,020 00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(273,792 00)</u>		<u>NIL</u>	<u>NIL</u>
	<b>REPRESENTED BY</b>		
			<u>NIL</u>

### Frontline Ideas Limited - In Creditors' Voluntary Liquidation

#### Guidance for creditors on charge out rates and allocated disbursements

##### Charge out rates

It is anticipated that the following grades of personnel will work on this case. Their current charge-out rates are set out below.

Grade of personnel	Hourly charge out rate (£)
Partner	275 - 325
Manager	220 - 275
Administrator	110 - 150
Cashiering & Secretarial	50 - 110

Time is charged in units of 6 minutes. In common with other professional firms, our charge-out rates increase from time to time over the period of administration of a case. Subcontractors, if used, will be recharged at cost.

##### Allocated disbursements

Details of the proposed charges for which approval is required are set out below.

- Meeting room charge for statutory meetings, charged at £60 per meeting summoned (members' and creditors' meetings on the same day treated as one meeting)
- Facsimiles are charged at £1 per page and photocopying is charged at a cost of 15p per page
- Envelopes for all circulars to creditors are re-charged to the case at 20p per C4 window envelope
- Business rate mileage, at a cost of between 40p and 80p per mile in relation to the running costs of different classes of vehicle

It should be noted that the above costs might increase from time to time. However, this would only be as a result of inflationary increases or in line with increases from my suppliers.

**Rimes & Co**

Frontline Ideas Limited - In Liquidation

Appendix C

SIP 9 - Time & Cost Summary  
Period 12 September 2011 to 11 September 2012

Time Summary

Classification of work function	Hours			Total Hours	Time Costs £	Avg hourly rate £
	Partner	Manager	Administrator			
Admin & Planning	0 20	0 00	4 80	5 00	723 00	145 00
Taxation	0 00	0 00	0 00	0 00	0 00	0 00
Investigations	0 00	0 00	7 20	7 20	812 00	113 00
Realisation of Assets	0 00	0 00	0 30	0 30	33 00	110 00
Employee Claims	0 00	0 00	0 00	0 00	0 00	0 00
Creditors	0 00	0 00	0 80	0 80	120 00	150 00
Statutory Reporting	0 60	0 00	0 00	0 60	165 00	275 00
<b>Total Hours</b>	0 80	0 00	13 10	13 90		
<b>Total Time Costs (£)</b>	220 00	0 00	1,633 00		1,853 00	
<b>Average Hourly Rate by Grade (£)</b>	275 00	0 00	125 00			133 00



Frontline Ideas Limited - In Liquidation

Appendix C1

SIP 9 - Time & Cost Summary  
Period 12 September 2012 to 5 September 2013

Time Summary

Classification of work function	Hours			Total Hours	Time Costs £	Avg hourly rate £
	Partner	Manager	Administrator			
Admin & Planning	0 00	0 00	0 90	0 90	125 00	138 89
Taxation	0 20	0 00	0 30	0 50	88 00	176 00
Investigations	0 00	0 00	0 00	0 00	0 00	0 00
Realisation of Assets	0 00	0 00	0 00	0 00	0 00	0 00
Employee Claims	0 00	0 00	0 00	0 00	0 00	0 00
Creditors	0 00	0 00	0 50	0 50	62 50	125 00
Statutory Reporting	0 20	0 00	1 00	1 20	165 00	137 50
<b>Total Hours</b>	0 40	0 00	2 70	3 10		
<b>Total Time Costs (£)</b>	110 00	0 00	330 50		440 50	
<b>Average Hourly Rate by Grade (£)</b>	275 00	0 00	122 41			142 10

# Frontline Ideas Limited - In Liquidation

## Appendix C2

SIP 9 - Time & Cost Summary  
Period 12 September 2013 to 8 November 2013

### Time Summary

Classification of work function	Hours			Total Hours	Time Costs £	Avg hourly rate £
	Partner	Manager	Administrator			
Admin & Planning	0 00	0 00	0 00	0 00	0 00	0 00
Taxation	0 00	0 00	0 00	0 00	0 00	0 00
Investigations	0 00	0 00	0 00	0 00	0 00	0 00
Realisation of Assets	0 00	0 00	0 00	0 00	0 00	0 00
Employee Claims	0 00	0 00	0 00	0 00	0 00	0 00
Creditors	0 00	0 00	0 00	0 00	0 00	0 00
Statutory Reporting	0 00	0 00	0 00	0 00	0 00	0 00
<b>Total Hours</b>	0 00	0 00	0 00	0 00		
<b>Total Time Costs (£)</b>	0 00	0 00	0 00		0 00	
<b>Average Hourly Rate by Grade (£)</b>	0 00	0 00	0 00			0 00

# Frontline Ideas Limited - In Liquidation

## Appendix C3

SIP 9 - Time & Cost Summary  
Period 12 September 2011 to 8 November 2013

### Time Summary

Classification of work function	Hours			Total Hours	Time Costs £	Avg hourly rate £
	Partner	Manager	Administrator			
Admin & Planning	0 20	0 00	5 70	5 90	848 00	143 73
Taxation	0 20	0 00	0 30	0 50	88 00	176 00
Investigations	0 00	0 00	7 20	7 20	812 00	112 78
Realisation of Assets	0 00	0 00	0 30	0 30	33 00	110 00
Employee Claims	0 00	0 00	0 00	0 00	0 00	0 00
Creditors	0 00	0 00	1 30	1 30	182 50	140 38
Statutory Reporting	0 80	0 00	1 00	1 80	330 00	183 33
<b>Total Hours</b>	1 20	0 00	15 80	17 00		
<b>Total Time Costs (£)</b>	330 00	0 00	1,963 50		2,293 50	
<b>Average Hourly Rate by Grade (£)</b>	275 00	0 00	124 27			134 91

## Joint Liquidators' disbursements and expenses to 8 November 2013

Disbursements incurred and paid

	Incurred £	Unpaid £	Paid £
<b>Category 1</b>			
Insolvency bond	104 00	104 00	0 00
Statutory Advertising	265 50	265 50	0 00
Postage	6 32	6 32	0 00
	<u>375 82</u>	<u>375 82</u>	<u>0 00</u>
<b>Category 2</b>			
Photocopying	21 60	21 60	0 00
Envelopes	1 60	1 60	0 00
IPS Charge	50 00	50 00	0 00
Case Setup Fee	30 00	30 00	0 00
	<u>103 20</u>	<u>103 20</u>	<u>0 00</u>

## A CREDITORS' GUIDE TO LIQUIDATORS' FEES

### ENGLAND AND WALES

#### 1 INTRODUCTION

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

#### 2 LIQUIDATION PROCEDURE

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

#### 3 THE LIQUIDATION COMMITTEE

- 3 1 In a liquidation (whether voluntary or compulsory) the creditors have the right to appoint a committee called the liquidation committee, with a minimum of 3 and a maximum of 5 members, to monitor the conduct of the liquidation and approve the liquidator's fees. The committee is usually established at the creditors' meeting which appoints the liquidator, but in cases where a liquidation follows immediately on an administration any committee established for the purposes of the administration will continue in being as the liquidation committee.

- 3 2 The liquidator must call the first meeting of the committee within 6 weeks of its establishment (or his appointment if that is later), and subsequent meetings must be held either at specified dates agreed by the committee, or when requested by a member of the committee, or when the liquidator decides he needs to hold one. The liquidator is required to report to the committee at least every 6 months on the progress of the liquidation, unless the committee directs otherwise. This provides an opportunity for the committee to monitor and discuss the progress of the insolvency and the level of the liquidator's fees.

#### 4 FIXING THE LIQUIDATOR'S FEES

- 4 1 The basis for fixing the liquidator's remuneration is set out in Rules 4.127 – 4.127B of the Insolvency Rules 1986. The Rules state that the remuneration shall be fixed

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

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

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

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

- 4 2 If there is no liquidation committee, or the committee does not make the requisite determination, the liquidator's remuneration may be fixed by a resolution of a meeting of creditors. The creditors take account of the same matters as the committee would. A resolution specifying the terms on which the liquidator is to be remunerated may be taken at the meeting which appoints the liquidator.

- 4 3 If the remuneration is not fixed as above, it will be fixed in one of the following ways. In a CVL, it will be fixed by the court on application by the liquidator, but the liquidator may not make such an application unless he has first tried to get his remuneration fixed by the committee or creditors as described above, and in any case not later than 18 months after his appointment. In a compulsory liquidation, it will be in accordance with a scale set out in the Rules.

#### 5 REVIEW OF REMUNERATION

Where there has been a material and substantial change in circumstances since the basis of the liquidator's remuneration was fixed, the liquidator may request that

it be changed. The request must be made to the same body as initially approved the remuneration, and the same rules apply as to the original approval.

## 6 WHAT INFORMATION SHOULD BE PROVIDED BY THE LIQUIDATOR?

### 6.1 When seeking remuneration approval

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

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

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

6.1.3 Where the liquidator seeks agreement to his fees during the course of the liquidation, he should always provide an up to date receipts and payments account. Where the proposed fee is based on time costs the liquidator should disclose to the committee or the creditors the time spent and the charge-out value in the particular case, together with, where appropriate, such additional information as may reasonably be required having regard to the size and complexity of the case. The additional information should comprise a sufficient explanation of what the liquidator has achieved and how it was achieved to enable the value of the exercise to be assessed (whilst recognising that the liquidator must fulfil certain statutory obligations that might be seen to bring no added value for creditors) and to establish that the time has been properly spent on the case. That assessment will need to be made having regard to the time spent and the rates at which that time was charged, bearing in mind the factors set out in paragraph 4.1 above. To enable this assessment to be carried out it may be necessary for the liquidator to provide an analysis of the time spent on the case by type of activity and grade of staff. The degree of detail will depend on the circumstances of the case, but it will be helpful to be aware of the professional guidance which has been given to insolvency practitioners on this subject. The guidance suggests the following areas of activity as a basis for the analysis of time spent:

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

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

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

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

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

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

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

## 6.2 After Fee Approval

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

## 6.3 Disbursements and other Expenses

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

## 6.4 Realisations for Secured Creditors



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

## **7 PROGRESS REPORTS AND REQUESTS FOR FURTHER INFORMATION**

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

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

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

**7.3** The liquidator must provide the requested information within 14 days, unless he considers that

- the time and cost involved in preparing the information would be excessive, or
- disclosure would be prejudicial to the conduct of the liquidation or might be expected to lead to violence against any person, or
- the liquidator is subject to an obligation of confidentiality in relation to the information requested,

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

## **8 PROVISION OF INFORMATION – ADDITIONAL REQUIREMENTS**

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

The information which must be provided is-

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

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

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

## 9 WHAT IF A CREDITOR IS DISSATISFIED?

- 9 1 Except in cases where there is a liquidation committee it is the creditors as a body who have authority to approve the liquidator's fees. To enable them to carry out this function they may require the liquidator to call a creditors' meeting. In order to do this at least ten per cent in value of the creditors must concur with the request, which must be made to the liquidator in writing
- 9 2 If a creditor believes that the liquidator's remuneration is too high, the basis is inappropriate, or the expenses incurred by the liquidator are in all the circumstances excessive he may, provided certain conditions are met, apply to the court
- 9 3 Application may be made to the court by any secured creditor, or by any unsecured creditor provided at least 10 per cent in value of unsecured creditors (including himself) agree, or he has the permission of the court. Any such application must be made within 8 weeks of the applicant receiving the liquidator's progress report in which the charging of the remuneration or incurring of the expenses in question is first reported (see paragraph 7.1 above). If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the liquidator a copy of the application and supporting evidence at least 14 days before the hearing
- 9 4 If the court considers the application well founded, it may order that the remuneration be reduced, the basis be changed, or the expenses be disallowed or repaid. Unless the court orders otherwise, the costs of the application must be paid by the applicant and not out of the assets of the insolvent company

## 10 WHAT IF THE LIQUIDATOR IS DISSATISFIED?

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

number to appear or be represented. The court may order the costs to be paid out of the assets.

## 11 OTHER MATTERS RELATING TO REMUNERATION

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

## 12 EFFECTIVE DATE

This guide applies where a company –

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