

Liquidator's Progress Report

S.192

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

To the Registrar of Companies

Company Number

04747400

Name of Company

Brides & Grooms Of Shirley Limited

I / We

Andrew Shackleton, 1 Castle Street, Worcester, WR1 3AA

Colin Nicholls, 1 Castle Street, Worcester, WR1 3AA

MONDAY
SAI



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

The Progress Report covers the period from 28/06/2013 to 27/06/2014

Signed

Date

14-8-14

Smart Insolvency Solutions Ltd
1 Castle Street
Worcester
WR1 3AA

Ref 00009/AWS/CN/ELP

Brides & Grooms Of Shirley Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments

Statement of Affairs		From 28/06/2013 To 27/06/2014
	ASSET REALISATIONS	
5,000 00	Stock	2,570 00
2,550 00	Cash at Bank	2,550 00
	Rates Refund	227 64
	Bank Interest Gross	2 55
		<u>5,350 19</u>
	COST OF REALISATIONS	
	Specific Bond	40 00
	Preparation of S of A	4,231 56
	Statutory Advertising	232 32
		<u>(4,503 88)</u>
	PREFERENTIAL CREDITORS	
(2,133 98)	DE Arrears & Holiday Pay	<u>NIL</u>
		NIL
	UNSECURED CREDITORS	
(15,267 54)	Trade & Expense Creditors	NIL
(24,809 31)	Department of Employment	NIL
(56,496 00)	Directors Loan Account	NIL
(8,400 00)	HSBC Bank Plc	NIL
(75,000 00)	Brides & Grooms of Solihull Limited	<u>NIL</u>
		NIL
	DISTRIBUTIONS	
(100 00)	Ordinary Shareholders	<u>NIL</u>
		NIL
<u>(174,656 83)</u>		<u><u>846.31</u></u>
	REPRESENTED BY	
	Vat Receivable	846 31
	Bank 1 Current	500 00
	Vat Payable	(500 00)
		<u>846 31</u>
		<u><u>846 31</u></u>

Andrew Shackleton
Joint Liquidator

**Brides & Grooms of Shirley Limited ("the Company")
In Liquidation**

Joint Liquidators' First Progress Report ✓
For The Year From Appointment on 28 June 2013 to 27 June 2014

Issued on: 14 August 2014

Brides & Grooms of Shirley Limited ("the Company") – In Liquidation

JOINT LIQUIDATORS' FIRST PROGRESS REPORT AS AT 14 AUGUST 2014

1. Introduction

Andrew Shackleton and Colin Nicholls are the Joint Liquidators' of the Company and this is their first progress report to the creditors and members of the Company, showing how the liquidation has been conducted. The report covers the period from 28 June 2013 to 27 June 2014.

2 Statutory Information

Statutory information relating to the Company is attached at **Appendix I**.

3 Joint Liquidators' Receipts and Payments Account

A summary of the Liquidator's receipts and payments account relating to the Company from commencement to date is attached at **Appendix II**.

4. Action taken by the Joint Liquidators' since Appointment

The Company was wound up on 28 June 2013 and Andrew Shackleton and Colin Nicholls was appointed Joint Liquidators at meetings of members and creditors held on 28 June 2013.

Assets

Agents efforts to sell the remaining stock to a third party were unsuccessful. An agreement has been reached with the directors of the company to sell the stock from the sister company shop in Solihull and these funds are being accounted for periodically.

Investigations

There are no outstanding lines of enquiry.

Liquidators have a duty to submit a confidential report or return to the Government's Disqualification Unit on the conduct of the persons who acted as director of the Company in the three year period before the liquidation. This has been completed.

5 Future Actions of the Liquidator

The remaining stock of the company continues to be sold by the sister company. Once this is concluded, the liquidation will be brought to a conclusion.

6. Liabilities and Dividends

Secured Creditors

There are no secured creditors.

Preferential Creditors

A claim in the region of £2,000 was anticipated from The Department of Employment in respect of claims made by former employees. A proof of debt was received in the sum of £1981.74 but in any event, there are no funds with which to pay any Preferential Creditors.

Ordinary Unsecured Creditors

Claims totalling £48,033.94 were received from 9 creditors. There are 10 further potential creditors, owed £134,072.89 pursuant to the statement of affairs, who have not yet lodged their claims.

7 Joint Liquidators' Remuneration, Disbursements and Expenses

Basis of Remuneration and Disbursements

At the initial meeting of creditors held on 28 June 2013, it was resolved that the Joint Liquidators would be remunerated by way of a fixed fee of £5,000 plus VAT for dealing with matters in the liquidation and that his disbursements would be drawn in accordance with the tariff outlined at **Appendix III**.

Remuneration Charged and Drawn in the Period

The Joint Liquidators have not drawn any fees in respect of the post liquidation period.

Disbursements Incurred and Drawn

The Joint Liquidators' disbursements incurred and reimbursed are summarised below. Details are in the attached **Appendix III**.

	Incurred	Paid
Category 1 disbursements for this period from appointment on 21 June 2013 to 20 June 2014	£272.32	£272.32
Total	£272.32	£272.32

No category 2 disbursements have been charged nor will be recovered in this matter.

Pre Appointment Costs

At the initial meeting of creditors held on 28 June 2013, it was resolved that the fees of Smart Insolvency Solutions Ltd 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 £5,000 plus VAT and disbursements to be paid out of the assets of the Company.

£4,231.56 plus VAT has been drawn in respect of these fees to date.

Creditors' Guide to Fees and Statement of Creditors' Rights

Creditors have a right to request further information from the Liquidators' and additionally have a right to challenge the Joint Liquidators' remuneration and expenses time limits apply Details can be found in the document 'Remuneration Guidelines Liquidation (post 1 November 2011)' which you can access and download at www.smartinsolvency.co.uk/creditorguides Please also see further details at Appendix IV

8 Conclusion of the Liquidation

Once the matters referred to above have been concluded and a final invoice settled in respect of the liquidation costs and expenses, the liquidation will be brought to a close

A handwritten signature in black ink, appearing to read 'A W Shackleton', written in a cursive style.

A W Shackleton
Joint Liquidator

Statutory Information

Appendix I

Company Information

Company Name	Brides & Grooms of Shirley Limited
Previous Name	Brides & Grooms Shirley Limited
Company Number	04747400
Date of Incorporation	29 April 2003
Trading Address	316 Stratford Road, Shirley, Solihull, West Midlands B90 3DN
Current Registered Office	1 Castle Street, Worcester WR1 3AA
Former Registered Office	316 Stratford Road, Shirley, Solihull, West Midlands B90 3DN
Principal Trading Activity	Retail sale and rental of clothing

Appointment Details

Liquidator's name and address	Andrew Shackleton of Smart Insolvency Solutions Ltd, 1 Castle Street, Worcester, WR1 3AA
Liquidator's name and address	Colin Nicholls of Smart Insolvency Solutions Ltd, 1 Castle Street, Worcester, WR1 3AA
Commencement of liquidation	28 June 2013
Date of appointment	28 June 2013
Appointment made by	Members and Creditors

Brides & Grooms Of Shirley Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments
To 27/06/2014

S of A £		£	£
	ASSET REALISATIONS		
5,000 00	Stock	2,570 00	
2,550 00	Cash at Bank	2,550 00	
	Rates Refund	227 64	
	Bank Interest Gross	2 55	
			5,350 19
	COST OF REALISATIONS		
	Specific Bond	40 00	
	Preparation of S of A	4,231 56	
	Statutory Advertising	232 32	
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	PREFERENTIAL CREDITORS		
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			NIL
	UNSECURED CREDITORS		
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(56,496 00)	Directors Loan Account	NIL	
(8,400 00)	HSBC Bank Plc	NIL	
(75,000 00)	Brides & Grooms of Solihull Limited	NIL	
			NIL
	DISTRIBUTIONS		
(100 00)	Ordinary Shareholders	NIL	
			NIL
(174,656.83)			846.31
	REPRESENTED BY		
	Vat Receivable		846 31
	Bank 1 Current		500 00
	Vat Payable		(500 00)
			846 31

Andrew Shackleton
Joint Liquidator

Appendix III

Information relating to the Liquidator's Fees and Expenses

Brides & Grooms of Shirley Limited**Information relating to the Joint Liquidators' Fees and Expenses****1 Explanation of Liquidators' charging and disbursement recovery policies****1.1. Time recording**

Work undertaken on cases is recorded in 6 minute units in an electronic time recording system. Time properly incurred on cases is charged at the hourly rate of the grade of staff undertaking the work that applies at the time the work is done. The current hourly charge-out rates are

STAFF GRADE	CHARGE OUT RATE FROM £ PER HOUR	TO £ PER HOUR
Director	200	350
Associate Director	150	250
Manager	125	225
Case Administrator	100	200
Cashiering / Clerical	75	150

1.2 Disbursement recovery

Disbursements are categorised as either Category 1 or Category 2

Category 1 disbursements

External supplies of incidental services specifically identifiable to the case. Where these have initially been paid by Smart Insolvency Solutions Ltd and then recharged to the estate, approval from creditors is not required.

Bordereau/ insurance	Charged at cost
Case advertising	As per advertisers/ agents invoice
Courier	Charged at cost
DTI IVA registration fee	Charged at cost (in relevant cases)

Land Registry/ Searches As per Land Registry, agents or Companies House invoice

Postage Based on current postal charges All outgoing post to be logged and recorded by case

Post re-direction Charged at cost

Storage Pro-rata per number of boxes per storage charge invoice An external records storage provider provides this facility to the firm Charges are currently £2 90 for each box and £3 per box per annum storage

Subsistence Charged at cost

Telephone No charge

Travel Charged at cost for public transport and taxis

Category 2 disbursements

Fax £1 per page sent

Photocopying 15p per copy – irrespective of size

Room hire £140 for room hire made available in-house for creditors' meetings, based on the external market rate for the provision of appropriate meeting room hire Charge is only be made when attendance of debtor/ director and/or creditors is likely and a meeting room has been set aside Where appropriate, external room hire at cost

Stationery Initial case set-up fee of £20 per corporate case, £15 per personal case Annual case/ file maintenance charges of £10 These charges are based on the average costs involved in the purchase of files and associated stationery

Travel Car travel charged at 45p per mile for staff and Directors

Additional Notes Fax charges based on the average costs involved in the use of fax machine consumables (toner cartridges, maintenance etc), and line cost Photocopies based on average costs of machine consumables, paper etc Room hire based on estimates provided by four local external providers for meeting room facilities, the average rate arrived at is less than the amount charged by these providers

Postage Based on current postal charges All outgoing post to be logged and recorded by case

2 Description of work carried out in the current period

The Liquidator's fees are based on a fixed fee basis The following is a summary of the activities undertaken

2 1 Administration and planning

The following activities have been undertaken

- > Statutory duties associated with the appointment
- > Notification of the appointment to creditors, employees and other interested parties
- > Setting up case files
- > Reviewing available information to determine appropriate strategy
- > Setting up and maintaining bank accounts
- > Progress reviews of the case

Staff of different levels were involved in the above activities depending upon the experience required

2 2. Investigations

The time spent includes

- > Corresponding with the former directors and management
- > Review of questionnaires and comments provided by interested parties
- > Review of company documentation
- > Completion of statutory returns to the Insolvency Service

2 3 Realisation of assets

Please refer to the main body of the report but in summary the time spent includes

- > Correspondence and meetings with interested parties
- > Monitoring and chasing of deposits
- > Identifying, securing and insuring of assets
- > Debt collection

2 4. Creditors and distributions

The time spent includes the following matters

- > Recording and maintaining the list of creditors
- > Recording creditor claims
- > Reporting to creditors
- > Meetings of creditors
- > Dealing with creditor queries
- > Reviewing and evaluating creditor claims

3 Time and charge out summary

For the period of this report from appointment on 28 June 2013 to 27 June 2014, a total of 29 35 hours have been spent at an average charge out rate of £204 60 bringing the total cost to £6005 00

4. Disbursements

Disbursements incurred and reimbursed from commencement of the liquidation to 20 June 2014 are detailed below

Disbursements	Incurred £	Paid £
Category 1		
Statutory advertising	232 32	232 32
Bond premium	40 00	40 00
Total	272 32	272.32

The above costs exclude VAT

No Category 2 disbursements have been charged to this matter

Time Entry - SIP9 Time & Cost Summary

00009 - Brides & Grooms Of Shirley Limited
Project Code POST
From 28/06/2013 To 27/06/2014

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	1 00	8 80	0 00	4 95	14 75	2,165 00	146 78
Case Specific Matters	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Creditors	0 00	0 10	0 00	5 00	5 10	515 00	100 98
Investigations	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Realisation of Assets	9 50	0 00	0 00	0 00	9 50	3 325 00	350 00
Trading	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Total Hours	10 50	8 90	0 00	9 95	29 35	6 005 00	204 60
Total Fees Claimed						0 00	
Total Disbursements Claimed						0 00	

Insolvency (Amendment) Rules 2010

CVL and Compulsory Liquidation Remuneration

The changes below are applicable in the following cases

- (1) They apply where a company goes into liquidation upon the passing on or after 6th April 2010 of a resolution to wind up
- (2) They apply where a company goes into voluntary liquidation under paragraph 83 of Schedule B1 to the Act, except where the preceding administration—
 - (a) commenced before 6th April 2010, or
 - (b) is an administration which commenced by virtue of an administration order under paragraph 10 of Schedule B1 to the Act on an application which was made before 6th April 2010
- (3) They apply where a company goes into liquidation on the making of a winding-up order on a petition presented on or after 6th April 2010, except where the liquidation is immediately preceded by—
 - (a) an administration under paragraph 10 of Schedule B1 to the Act where the administration order was made on an application made before 6th April 2010,
 - (b) an administration in respect of which the appointment of an administrator under paragraph 14 or 22 of Schedule B1 to the Act took effect before 6th April 2010, or
 - (c) a voluntary liquidation in respect of which the resolution to wind up was passed before 6th April 2010

Fixing of remuneration – Rule 4.127

- (1) The liquidator is entitled to receive remuneration for his services as such
- (2) The basis of remuneration shall be fixed—
 - (a) as a percentage of the value of the assets which are realised or distributed, or of the one value and the other in combination, or
 - (b) by reference to the time properly given by the insolvency practitioner (as liquidator) and his staff in attending to matters arising in the winding up, or
 - (c) as a set amount
- (3A) The basis of remuneration may be fixed as any one or more of the bases set out in paragraph (2), and different bases may be fixed in respect of different things done by the liquidator
- (3B) Where the basis of remuneration is fixed as set out in paragraph (2)(a), different percentages may be fixed in respect of different things done by the liquidator

- (3C) Where the liquidator is other than the official receiver, and subject to paragraph (5A), it is for the liquidation committee (if there is one) to determine—
- (a) which of the bases set out in paragraph (2) are to be fixed and (where appropriate) in what combination under paragraph (3A), and
 - (b) the percentage or percentages (if any) to be fixed under paragraphs (2)(a) and (3B) and the amount (if any) to be set under paragraph (2)(c)
- (4) In arriving at that determination, the committee shall have regard to the following matters—
- (a) the complexity (or otherwise) of the case,
 - (b) any respects in which, in connection with the winding up, there falls on the insolvency practitioner (as liquidator) any responsibility of an exceptional kind or degree,
 - (c) the effectiveness with which the insolvency practitioner appears to be carrying out, or to have carried out, his duties as liquidator, and
 - (d) the value and nature of the assets with which the liquidator has to deal
- (5) If there is no liquidation committee, or the committee does not make the requisite determination and subject to paragraph (5A), the basis of the liquidator's remuneration may be fixed (in accordance with paragraphs 2, (3A) and (3B)) by a resolution of a meeting of creditors, and paragraph (4) applies to them as it does to the liquidation committee
- (5A) Where—
- (a) a company which is in administration moves into winding up under paragraph 83 of Schedule B1 of the Act and the administrator becomes the liquidator, or
 - (b) a winding-up order is made immediately upon the appointment of an administrator ceasing to have effect and the court under section 140(1) appoints as liquidator the person whose appointment as administrator has ceased to have effect,
- the basis of remuneration fixed under Rule 2 106 is treated as having been fixed under this Rule and paragraphs (4) and (5) do not apply
- (6) Where the liquidator is not the official receiver and the basis of his remuneration is not fixed as above, the liquidator shall be entitled to remuneration fixed in accordance with the provisions of Rule 4 127A (NO CVL APPLICATION)]1
- (7-CVL) If not fixed as above, the basis of the liquidator's remuneration shall, on application by the liquidator, be fixed by the court, and the provisions of paragraphs (2) to (4) apply as they do to the fixing of the basis of remuneration by the liquidation committee, but such an application may not be made by the liquidator unless the liquidator has first sought fixing of the basis in accordance with paragraph (3C) or (5), and in any event may not be made more than 18 months after the date of the liquidator's appointment

Liquidator's entitlement to remuneration where it is not fixed under Rule 4.127 (NO CVL APPLICATION) – Rule 4.127A

- (1) This Rule applies where the liquidator is not the official receiver and the basis of his remuneration is not fixed or treated as fixed in accordance with Rule 4.127
- (2) The liquidator shall be entitled by way of remuneration for his services as such, to such sum as is arrived at by—
 - (a) first applying the realisation scale set out in Schedule 6 to the monies received by him from the realisation of the assets of the company (including any Value Added Tax thereon but after deducting any sums paid to secured creditors in respect of their securities and any sums spent out of money received in carrying on the business of the company), and
 - (b) then by adding to the sum arrived at under sub-paragraph (a) such sum as is arrived at by applying the distribution scale set out in Schedule 6 to the value of assets distributed to creditors of the company (including payments made in respect of preferential debts) and to contributories

Liquidator's remuneration where he realises assets on behalf of chargeholder - Rule 4.127B

- (1) This Rule applies where the liquidator is not the official receiver and realises assets on behalf of a secured creditor
 - (2) Where the assets realised for a secured creditor are subject to a charge which when created was a mortgage or a fixed charge, the liquidator shall be entitled to such sum by way of remuneration as is arrived at by applying the realisation scale set out in Schedule 6 to the monies received by him in respect of the assets realised (including any sums received in respect of Value Added Tax thereon but after deducting any sums spent out of money received in carrying on the business of the company)
 - (3) Where the assets realised for a secured creditor are subject to a charge which when created was a floating charge, the liquidator shall be entitled to such sum by way of remuneration as is arrived at by—
 - (a) first applying the realisation scale set out in Schedule 6 to monies received by him from the realisation of those assets (including any Value Added Tax thereon but ignoring any sums received which are spent in carrying on the business of the company), and
 - (b) then by adding to the sum arrived at under sub-paragraph (a) such sum as is arrived at by applying the distribution scale set out in Schedule 6 to the value of the assets distributed to the holder of the charge [and payments made in respect of preferential debts]
 - (4) The sum to which the liquidator is entitled under paragraph (2) or (3) shall be taken out of the proceeds of the realisation effected under that paragraph
- Other matters affecting remuneration – Rule 4.128**

- (1) [Revoked 2004]

- (2) Where there are joint liquidators, it is for them to agree between themselves as to how the remuneration payable should be apportioned. Any dispute arising between them may be referred—
 - (a) to the court, for settlement by order, or
 - (b) to the liquidation committee or a meeting of creditors, for settlement by resolution
- (3) If the liquidator is a solicitor and employs his own firm, or any partner in it, to act on behalf of the company, profit costs shall not be paid unless this is authorised by the liquidation committee, the creditors or the court

Recourse of liquidator to meeting of creditors – Rule 4.129A

If the basis of the liquidator's remuneration has been fixed by the liquidation committee, or by the creditors' committee under Rule 2.106(3C) in a case falling within Rule 4.127(5A) in which the administrator had not requested an increase under Rule 2.107, and the liquidator considers the rate or amount to be insufficient, or the basis to be inappropriate, the liquidator may request that the rate or amount be increased or the basis changed by resolution of the creditors

Recourse to the court – Rule 4.130

- (1) If the liquidator considers that the basis of remuneration fixed by the liquidation committee, or by resolution of the creditors, or as under Rule 4.127(5A) or (6), is insufficient or inappropriate, the liquidator may apply to the court for an order changing it or increasing its amount or rate
- (2) The liquidator shall give at least 14 days' notice of his application to the members of the liquidation committee, and the committee may nominate one or more members to appear or be represented, and to be heard, on the application
- (3) If there is no liquidation committee, the liquidator's notice of his application shall be sent to such one or more of the company's creditors as the court may direct, which creditors may nominate one or more of their number to appear or be represented
- (4) The court may, if it appears to be a proper case, order the costs of the liquidator's application, including the costs of any member of the liquidation committee appearing [or being represented] on it, or any creditor so appearing [or being represented], to be paid [as an expense of the liquidation]

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

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

- (1A) Application may be made on the grounds that—
 (a) the remuneration charged by the liquidator,
 (b) the basis fixed for the liquidator's remuneration under Rule 4 127,
 (c) expenses incurred by the liquidator,
is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate
- (1B) The application must, subject to any order of the court under Rule 4 49E(5), be made no later than 8 weeks (or, in a case falling within Rule 4 108, 4 weeks) after receipt by the applicant of the progress report, or the draft report under Rule 4 49D, which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")
- (2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss the application, but it shall not do so unless the applicant has had an opportunity to attend the court for an a hearing, of which he has been given at least 5 business days' notice but which is without notice to any other party
If the application is not dismissed under this paragraph, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly
- (3) The applicant shall, at least 14 days before the hearing, send to the liquidator a notice stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it
- (4) If the court considers the application to be well-founded, it must make one or more of the following orders—
 (a) an order reducing the amount of remuneration which the liquidator was entitled to charge,
 (b) an order fixing the basis of remuneration at a reduced rate or amount,
 (c) an order changing the basis of remuneration,
 (d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the liquidation,
 (e) an order that the liquidator or the liquidator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,
and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report
- (5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable [as an expense of the liquidation]¹

Review of remuneration – new Rule 4.131A

- (1) Where, after the basis of the liquidator's remuneration has been fixed, there is a material and

substantial change in the circumstances which were taken into account in fixing it, the liquidator may request that it be changed

- (2) The request must be made—
 - (a) where the liquidation committee fixed the basis, to the committee,
 - (b) where the creditors fixed the basis, to the creditors,
 - (c) where the court fixed the basis, by application to the court,
 - (d) where the remuneration was determined by application of the realisation scale under Rule 4.127A, to the liquidation committee if there is one or otherwise to the creditors,and subject to paragraph (3), Rules 4.127 to 4.131 apply as appropriate
- (3) Where Rule 4.129A is applied in accordance with paragraph (2) of this Rule, ignore the words “in which the administrator had not requested an increase under Rule 2.107”
- (4) Any change in the basis for remuneration applies from the date of the request under paragraph (2) and not for any earlier period
- (5) This Rule does not apply where the liquidator is the official receiver

Remuneration of new liquidator – new Rule 4.131B

- (1) If a new liquidator is appointed in place of another, any determination, resolution or court order in effect under the preceding provisions of this Section of this Chapter immediately before the former liquidator ceased to hold office continues to apply in respect of the remuneration of the new liquidator until a further determination, resolution or court order is made in accordance with those provisions
- (2) This Rule does not apply where the new liquidator is the official receiver

Apportionment of set fee remuneration – new Rule 4.131C

- (1) In a case in which the basis of the liquidator's remuneration is a set amount under Rule 4.127(2)(c) and the liquidator (“the former liquidator”) ceases (for whatever reason) to hold office before the time has elapsed or the work has been completed in respect of which the amount was set, application may be made for determination of what portion of the amount should be paid to the former liquidator or the former liquidator's personal representative in respect of the time which has actually elapsed or the work which has actually been done
- (2) Application may be made—
 - (a) by the former liquidator or the former liquidator's personal representative within the period of 28 days beginning with the date upon which the former liquidator ceased to hold office, or
 - (b) by the liquidator for the time being in office if the former liquidator or the former

liquidator's personal representative has not applied by the end of that period

- (3) Application must be made—
 - (a) where the liquidation committee fixed the basis, to the committee,
 - (b) where the creditors fixed the basis, to the creditors for a resolution determining the portion,
 - (c) where the court fixed the basis, to the court for an order determining the portion
- (4) The applicant must give a copy of the application to the liquidator for the time being in office or to the former liquidator or the former liquidator's personal representative, as the case may be ("the recipient")
- (5) The recipient may within 21 days of receipt of the copy of the application give notice of intent to make representations to the liquidation committee or the creditors or to appear or be represented before the court, as the case may be
- (6) No determination may be made upon the application until expiry of the 21 days referred to in paragraph (5) or, if the recipient does give notice of intent in accordance with that paragraph, until the recipient has been afforded the opportunity to make representations or to appear or be represented, as the case may be
- (7) If the former liquidator or the former liquidator's personal representative (whether or not the original applicant) considers that the portion determined upon application to the liquidation committee or the creditors is insufficient, that person may apply—
 - (a) in the case of a determination by the liquidation committee, to the creditors for a resolution increasing the portion,
 - (b) in the case of a resolution of the creditors (whether under paragraph (1) or under subparagraph (a)), to the court for an order increasing the portion,and paragraphs (4) to (6) apply as appropriate