

WU07

Notice of progress report in a winding-up by the court



Companies House

SATURDAY



A6CNW889

A21

12/08/2017

#422

COMPANIES HOUSE

1 Company details

Company number 06651555

Company name in full THE POP CULTURE COMPANY LTD
06651555

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

2 Liquidator's name

Full forename(s) KATE

Surname BREESE

3 Liquidator's address

Building name/number OXFORD CHAMBERS

Street OXFORD ROAD

Post town GUISELEY

County/Region WEST YORKSHIRE

Postcode LS20 9AT

Country UK

4 Liquidator's name

Full forename(s)

Surname

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

5 Liquidator's address

Building name/number

Street

Post town

County/Region

Postcode

Country

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

WU07

Notice of progress report in a winding-up by the court

6 Period of progress report

From date	^d 2 ^d 9	^m 0 ^m 5	^y 2 ^y 0 ^y 1 ^y 5	
To date	^d 2 ^d 8	^m 0 ^m 5	^y 2 ^y 0 ^y 1 ^y 6	

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d	^d	^m	^m	^y	^y	^y	^y
--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------

WU07

Notice of progress report in a winding-up by the court



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

Company name

Address

Post town

County/Region

Postcode

Country

DX

Telephone



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



TO ALL KNOWN CREDITORS

Walsh Taylor Business &
Corporate Recovery Specialists Limited
Oxford Chambers
Oxford Road
Guiselley
Leeds
LS20 9AT

T: 0871 222 8308
F: 0871 222 8309
W: www.walsh-taylor.co.uk

Leeds | Harrogate | Darlington | Bradford

KB/EG/BN/DG/THF0016

28 July 2016

Dear Sirs

**The Pop Culture Company Limited ("the Company") – In Compulsory Liquidation
The High Court of Justice Chancery Division Leeds District Registry, No. 467 of 2015
Annual Progress Report to Creditors**

I write further to my appointment as Liquidator of The Pop Culture Company Limited ("the Company"). Please find enclosed my annual progress report to creditors for the period 29 May 2015 to 28 May 2016.

LIQUIDATION DETAILS

Former Registered Office	Unit 2 Brow Mills Industrial Estate, Brighouse Road, Hipperholme, Halifax, HX3 8EF
Company Number	06651555
Nature of business	Retail Clothing
Liquidator's Appointment	Kate Elizabeth Breese appointed on 29 May 2015

Matters Arising in Liquidation

I was appointed Liquidator of the Company pursuant to an amended court order on 29 May 2015. The Company was previously placed into Administration ("the Former Administration") on 9 December 2011 pursuant to application by the Company at The High Court of Justice Leeds District Chancery Division, reference number 1812 of 2011. I was appointed Administrator of the Company. All known assets were realised in the Former Administration and the final report was issued to Companies House on 8 December 2012. The Company was dissolved on 11 March 2013.

Assets

The Licence Fee Rebate

After the dissolution of the Company Ward Hadaway were contacted by Eversheds Solicitors LLP and informed that there may be an asset of the Company which was not known of before it was dissolved

The potential rebate due amounted to £24,381.25 and was in respect of rental and licence fee rebates for premises of the Company that had been surrendered when in the Former Administration.

Legal advice was obtained as to whether it was necessary to restore the Company so that the asset could be dealt with in liquidation.

This matter became quite convoluted as to how the potential application to restore the Company should be dealt with and what insolvency process should follow, and whether the court grant the Restoration Order. Counsel's opinion was sought in addition to obtaining legal advice to ensure the correct procedure was followed.

The initial order was made on 8 May 2014 to restore and liquidate the Company however due to various legal and administrative matters the final court order placing the Company into liquidation was not made until 29 May 2015.

There are no further known assets to realise in the liquidation.

I will shortly finalise the administration of the Liquidation of the Company and anticipate convening and holding a final meeting in next 4 months.

RECEIPTS AND PAYMENTS ACCOUNT

I enclose my receipts and payments account for the period of reporting.

To the reporting date the following payments have been received into the Liquidation estate:

- £24,381.25 in respect of the Licence Fee Rebate;
- £20.84 in respect of Bank Interest Gross.

The sum of £2,400 was paid to Official Receiver in respect of Official Receiver's remuneration in relation to the Liquidation of the Company.

Ward Hadaway Solicitors negotiated with Eversheds and funds of £24,381.25 were paid into their client account. A sum of £8,250 plus VAT was paid to Ward Hadaway in respect of assistance in relation to advising on the Liquidation.

Counsel Fees amounted to £950 plus VAT.

The cost of £4,649.33 is the amount due to the Secretary of State Fees in relation to the assets realised in the Liquidation.

The sum of £4 11 was paid out of the Liquidation estate in relation to Tax on Bank Interest.

Administrator first charge on assets of the Liquidation amounted to £2,506.50.

The following disbursements have been paid out of the Liquidation estate account:

The following disbursements have been paid out of the Liquidation estate account:

Disbursements	Category 1 (£)	Category 2 (£)
Bank Charges	88.00	
Bordereau	148.00	
DTI BACS Fees	0.75	
Postage	49.86	
Disbursements Category 2		220.05
Land Registry Fees	3.00	
Statutory advertising	74.25	
Total	363.86	220.05

The following disbursements have been incurred but not yet paid from the Liquidation estate account:

Disbursements	Category 1 (£)	Category 2 (£)
Postage	71.85	
Photocopying		1.35
Total	71.85	1.35

TRUSTEE'S FEES AND EXPENSES

My fees and expenses in this matter were agreed on a time costs basis at a meeting of creditors held on 21 August 2015.

I have outstanding time costs in the sum of £6,188.00 which amounts to 40.10 hours at an average of £154.31 per hour. To the reporting date I have received the sum of £3,802.50.

Creditors should be aware that pursuant to Rule 4.49E of the Insolvency Rules 1986 (as amended) they have a right to request further information with regards to Liquidator's remuneration or expenses, if they hold 5% in value of unsecured creditors of the estate, within 14 days of receipt of the report.

Creditors should be aware that they can challenge Liquidator's remuneration and expenses under Rule 4.131 of the Insolvency Rules 1986 if they hold at least 10% in value of total creditor claims and if done within eight weeks of receipt of this report.

CREDITOR CLAIMS AND DIVIDEND PROSPECTS

Preferential Creditors

In accordance with the estimated preferential creditors of the Former Administration, I estimate there to be preferential claims of £9,344.06 in the Liquidation. To the reporting date no preferential claims have been received.

Unsecured Creditors

To the reporting date I have received four unsecured claims of £268,660.02. I have not yet received 134 unsecured claims in the sum of £2,085,383.60 according to the estimated unsecured creditors of the Former Administration.

Please take this as notice that in accordance with Rule 11.7 that no dividend is expected to be payable to creditors of the liquidation estate.

CONCLUSION

Final administration matters

I will issue a final draft report to creditors and hold the final meeting within 4 months of this report.

Please contact Emma Gray at this office should you have any queries.

Yours faithfully

A handwritten signature in black ink, appearing to read 'K Breese', with a circular flourish at the end.

Kate E Breese
Liquidator

Enc

Liquidator's Receipts and Payments Account for the period 29 May 2015 to 28 May 2016

Time Analysis for the period 29 May 2015 to 28 May 2016

A Creditors Guide to Trustee's Fees & Walsh Taylor's Charge Out Rates and Disbursements Policy

**The Pop Culture Company Limited t/a Pulp
(In Liquidation)**

**Liquidator's Abstract Of Receipts And Payments
To 28 May 2016**

RECEIPTS	Statement of Affairs (£)	Total (£)
Rental Deposit Rebate		24 381 25
Bank Interest Gross		20 58
Petitioners Deposit		1 250 00
		<hr/>
		25 651 83
		<hr/>
PAYMENTS		
O.R. Remuneration		2,400 00
DTI Bacs Fees		0 75
Sec of State Fees		4,649 33
Specific Bond		148.00
Liquidator Fees		3 802 50
Legal fees		8 250 00
Counsel Fees		950 00
Tax on Bank Interest		4 11
Disbursements - Category 2		220 05
Statutory Advertising		74 25
Postage		49 86
Administrators First Charge		2 506.50
Land Registry Fees		3.00
Bank Charges		88.00
		<hr/>
		23 146 35
		<hr/>
Net Receipts/(Payments)		2,505 48
		<hr/>
 MADE UP AS FOLLOWS		
ISA A/C		2,589.33
VAT Receivable / (Payable)		(83.85)
		<hr/>
		2,505.48
		<hr/>

Time Entry - SIP9 Time & Cost Summary

THE0016 - The Pop Culture Company Limited t/a Pulp
Project Code PCS1
To 28/05/2016

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Cashier	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Action & Editing	1.00	8.40	0.00	15.40	0.00	23.80	3,988.50	168.00
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Cashier	0.70	1.00	0.00	6.30	1.00	8.00	1,778.50	222.31
Directors	0.00	0.00	0.00	3.00	0.00	3.00	375.00	125.00
Investigations	0.00	0.00	0.00	0.00	1.00	1.00	36.00	36.00
Realisation of Assets	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Hours	2.60	12.00	0.00	24.50	1.00	40.10	6,188.00	154.31
Total Fees Claimed							0.00	
Total Disbursements Claimed							0.00	

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 an official belonging to 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 Service 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 remuneration

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 apply in the case of the committee. 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.

4.4 Where the liquidation follows directly on from an administration in which the liquidator had acted as administrator, the basis of remuneration fixed in the administration continues to apply in the liquidation (subject to paragraph 8 below).

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 fixing bases of remuneration

- 6.1.1 When seeking agreement for the basis or bases of remuneration, the liquidator should provide sufficient supporting information to enable the committee or the creditors to make an informed judgement as to whether the basis sought is appropriate having regard to all the circumstances of the case. The nature and extent of the information provided will depend on the stage during the conduct of the case at which approval is being sought. The appendix to this guide sets out a suggested format for the provision of information.
- 6.1.2 If any part of the remuneration is sought on a time costs basis, the liquidator should provide details of the minimum time units used and current charge-out rates split by grades of staff, of those people who have been or who are likely to be involved in the time costs aspects of the case.
- 6.1.3 The liquidator should also provide details and the cost of any work that has been or is intended to be sub-contracted out that could otherwise be carried out by the liquidator or his or her staff.
- 6.1.4 If work has already been carried out, the liquidator should state the proposed charge for the period to date and provide an explanation of what has been achieved in the period and how it was achieved, sufficient to enable the progress of the case to be assessed and whether the proposed charge is reasonable in the circumstances of the case. Where the proposed charge is calculated on a time costs basis, the liquidator should disclose the time spent and the average charge-out rates in larger cases split by grades of staff and analysed by appropriate activity. The liquidator should also provide details and the cost of any work that has been sub-contracted out that could otherwise be carried out by the liquidator or his or her staff.

6.2 After the bases of remuneration have been fixed

The liquidator is required to send progress reports to creditors at specified intervals (see paragraph 7.1 below). When reporting periodically to creditors in addition to the matters specified in paragraph 7.1, the liquidator should provide an explanation of what has been achieved in the period under review and how it was achieved sufficient to enable the progress of the case to be assessed. Creditors should be able to understand whether the remuneration charged is reasonable in the circumstances of the case (whilst recognising that the liquidator must fulfil certain statutory obligations and regulatory requirements that might be perceived as bringing no added value for the estate). Where any remuneration is on a time costs basis, the liquidator should disclose the charge in respect of the period, the time spent and the average charge-out rates, in larger cases split by grades of staff and analysed by appropriate activity. If there have been any changes to the charge-out rates during the period under review, rates should be disclosed by grades of staff, split by the periods applicable. The liquidator should also provide details and the cost of any work that has been sub-contracted out that could otherwise be carried out by the liquidator or his or her staff.

6.3 Disbursements and other expenses

- 6.3.1 Costs met by and reimbursed to the liquidator in connection with the liquidation should be appropriate and reasonable. Such costs will fall into two categories
- **Category 1 disbursements.** These are costs where there is specific expenditure directly referable both to the liquidation and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, and equivalent costs reimbursed to the liquidator or his or her staff.

- **Category 2 disbursements** These are costs that are directly referable to the liquidation but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the liquidation on a proper and reasonable basis, for example, business mileage.

Category 1 disbursements can be drawn without prior approval, although the liquidator should be prepared to disclose information about them in the same way as any other expenses. Category 2 disbursements may be drawn if they have been approved in the same manner as the liquidator's remuneration. When seeking approval, the liquidator should explain, for each category of expense, the basis on which the charge is being made.

6.3.2 The following are not permissible

- a charge calculated as a percentage of remuneration;
- an administration fee or charge additional to the liquidator's remuneration;
- recovery of basic overhead costs such as office and equipment rental, depreciation and finance charges.

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

Any creditor may apply to the court within 21 days of the liquidator's refusal to provide the requested information, or the expiry of the 14 days time limit for the provision of 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 or after 1 November 2011.

Appendix

Suggested format for the provision of information

Professional guidance issued to insolvency practitioners sets out the following suggested format for the provision of information when seeking approval of remuneration. However, the level of disclosure suggested below may not be appropriate in all cases, and will be subject to considerations of proportionality. In larger or more complex cases the circumstances of each case may dictate the information provided and its format.

Narrative overview of the case

In all cases, reports on remuneration should provide a narrative overview of the case. Matters relevant to an overview are:

- the complexity of the case;
- any exceptional responsibility falling on the liquidator;
- the liquidator's effectiveness;
- the value and nature of the property in question.

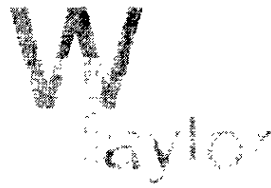
The information provided will depend upon the basis or bases being sought or reported upon and the stage at which it is being provided. An overview might include:

- an explanation of the nature, and the liquidator's own initial assessment, of the assignment (including the anticipated return to creditors) and the outcome (if known);
- initial views on how the assignment was to be handled, including decisions on staffing or subcontracting and the appointment of advisers;
- any significant aspects of the case, particularly those that affect the remuneration and cost expended;
- the reasons for subsequent changes in strategy;
- the steps taken to establish the views of creditors, particularly in relation to agreeing the strategy for the assignment, budgeting, and fee drawing;
- any existing agreement about remuneration;
- 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;
- in a larger case, particularly if it involved trading, considerations about staffing and managing the assignment and how strategy was set and reviewed;
- details of work undertaken during the period;
- any additional value brought to the estate during the period for which the liquidator wishes to claim increased remuneration.

Time cost basis

Where any part of the remuneration is or is proposed to be calculated on a time costs basis, requests for and reports on remuneration should provide:

- An explanation of the liquidator's time charging policy, clearly stating the units of time that have been used, the grades of staff and rates that have been charged to the assignment, and the policy for recovering the cost of support staff. There is an expectation that time will be recorded in units of not greater than 6 minutes.
- A description of work carried out, which might include:
 - details of work undertaken during the period related to the table of time spent for the period;
 - an explanation of the grades of staff used to undertake the different tasks carried out and the reasons why it was appropriate for those grades to be used;
 - any comments on any figures in the summary of time spent accompanying the request the liquidator wishes to make.
- Time spent and charge-out summaries, in an appropriate format.



Walsh Taylor Insolvency Practitioners

Charge Out Rates

	Rate per hour £
Director/Insolvency Practitioner	300
Senior Manager	250
Manager	240
Senior Administrator	180
Administrator	150
Cashier	150
Support staff (incl. secretarial)	125

Time is charged in units of 6 minutes

Support and secretarial staff time is charged to cases on the basis of time spent at the rates stated above

Disbursements Recovery Policy

Category 1	<p>Direct costs are recovered at actual cost to the case</p> <p>Includes for example and where relevant insurance and bonding, advertising, courier, registration fees, search fees, postage (including re-direction), storage, subsistence and public transport.</p> <p>No charge is made for telephone calls.</p>
Category 2	<p>Apportioned costs are recovered on the following tariff -</p>
Fax	£1 per page sent
Photocopying	15p per copy – irrespective of size
Room hire	£150 for room hire for creditors' meetings - charge is only be made when attendance of debtor/ director and/or creditors is likely and a meeting room has been set aside
Stationery	<p>£25 Initial case set-up fee per corporate case</p> <p>£15 per personal case</p> <p>Annual case/ file maintenance charges of £10</p>
Car travel	65p per mile

Fax, photocopying and stationery charges are based on the average costs of consumables.

Room hire is based on an average of charges levied by four local providers