

## The Insolvency Act 1986

Liquidator's Progress  
ReportPursuant to section 192 of the  
Insolvency Act 1986

To the Registrar of Companies

**S.192**

For official use

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Company Number

00224422

Name of Company

(a) Insert full name of  
company

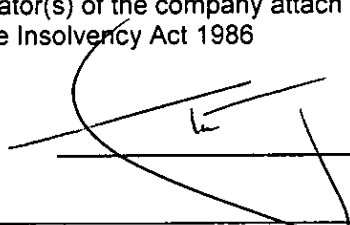
(a) T J Hughes Limited (in Creditors' Voluntary Liquidation)

(b) Insert full name(s) and  
address(es)I/We, (b) Thomas Andrew Jack  
Ernst & Young LLP  
100 Barbirolli Square  
Manchester  
M2 3EY

Simon Allport

Ernst & Young LLP  
100 Barbirolli Square  
Manchester  
M2 3EYthe liquidator(s) of the company attach a copy of my/our Progress Report under section  
192 of the Insolvency Act 1986

Signed



Date 17 February 2016

Presenter's name,  
address and reference  
(if any)Steven Boath  
Ernst & Young LLP  
100 Barbirolli Square  
Manchester  
M2 3EY

Tel 0161 333 2940

For Official Use

Liquidation Section

Post Room

THURSDAY



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18/02/2016

#301

COMPANIES HOUSE

TO MEMBERS AND ALL KNOWN CREDITORS

17 February 2016

ANNUAL PROGRESS REPORT

Ref TJ/PT/SB/NWM1142/PCF

Direct line 0161 333 2940  
Direct fax 0161 333 3008

Please ask for Steven Boath

Email [sboath@uk.ey.com](mailto:sboath@uk.ey.com)

Dear Sirs

**T J Hughes Limited ('TJH')**  
**T J Hughes (Properties) Company Limited ('Properties')**  
**(Both in Creditors' Voluntary Liquidation) (together, 'the Companies')**

In accordance with the provisions of Paragraph 83 of Schedule B1 to the Insolvency Act 1986, on 24 December 2012 the Companies moved from Administration into Creditors' Voluntary Liquidation ('Liquidation') with Simon Allport and I appointed as Joint Liquidators

I am pleased to present our annual report for the period 24 December 2014 to 23 December 2015 ('the Period'). This report should be read in conjunction with our previous reports dated 20 February 2014 and 4 February 2015

In accordance with the provisions of the Insolvency Rules 1986 ('the Rules') we are required to provide certain information about the Companies and the Joint Liquidators. This information can be found in Appendix A of this report. A copy of our receipts and payments accounts for the Period is attached at Appendix B

**Summary of progress for the Period**

***Business rates refunds (TJH)***

During the Period, with the assistance of our agents, Jones Lang LaSalle Limited, non-domestic rates refunds of £103,193 were recovered from local authorities in respect of valuation appeals. A refund of a further £11,651 was also agreed during the Period, but received in January 2016

***Other income***

A further £5,832 of other income was received during the Period, comprising

- £3,739 of bank interest (£3,737 TJH, £2 Properties)
- £2,093 of sundry income (TJH)

In addition, TJH paid a £12,000 licence fee to Properties in respect of costs incurred by Properties in respect of the head lease for the Liverpool store which TJH traded from during the Administration

The bank accounts of both of the Companies no longer earn interest in preparation for the final tax returns being prepared, and the closure of the Liquidations

**Other matters*****Corporation Tax***

During the Period, with the help of EY tax specialists, Corporation Tax returns for the Companies were submitted for the year ending 23 December 2014 with no tax liability arising

We are now in the process of preparing the final tax returns in these Liquidations, and these will be submitted to HMRC in the coming weeks

**Administration liabilities*****Trading expenses (TJH)***

During the Period we sought confirmation from local authorities regarding any outstanding rates liabilities incurred during the trading period of the Administration. During this process, only one remaining liability was identified being £16,560 due to Derby City Council. This outstanding amount will be paid in the coming weeks, leaving no further amounts outstanding in respect of business rates liabilities

During the Period, we have also finalised the insurance position with our brokers, Willis. This included a payment of £10,592 to cover the remaining liability in respect of the Administration period

**Remaining assets to be realised**

During the Period our agents continued to work, on a contingent basis, to pursue refunds of business rates in respect of TJH's property portfolio. Our agents have advised that no further refunds will be forthcoming and we have now ceased this work

No further assets remain to be realised in Properties

**Outcome for creditors**

We are pleased to report that during the Period, we sent out a Notice of Intended Dividend in respect of the second and final dividend to be paid to non-preferential unsecured creditors

After the Period ended, we paid a catch up dividend of 2.15 pence in the pound to unsecured creditors who had not proved their debts in time for the first interim dividend. After paying this catch up dividend, there were sufficient funds to allow a final dividend of approximately 0.21 pence in the pound to be paid to all unsecured creditors who had proved their debts. Both dividends were paid on 30 December 2015

This final distribution takes the total amount distributed to non-preferential unsecured creditors to £1,892,346, at an aggregate dividend rate of 2.36 pence in the pound

As previously reported, Properties has not realised any material assets to date, and there will not be sufficient funds available to enable any distribution to its creditors

**Joint Liquidators' remuneration and disbursements**

In accordance with Rule 4.127(5A) of the Rules, as the Joint Administrators became the Joint Liquidators, the basis of the Joint Liquidators' remuneration is treated as having been fixed on the same

basis as that of the Joint Administrators (being time properly spent by the Joint Liquidators and their staff in attending to matters in the Liquidation)

The statutory provisions relating to remuneration are set out in Rules 4.127, 4.49E and 4.131 of the Insolvency Rules 1986. Further information is given in the Association of Business Recovery Professionals' publication 'A Creditors' Guide to Liquidators' Fees', a copy of which may be accessed from the web site of the Insolvency Practitioners Association at <http://www.insolvency-practitioners.org.uk> (follow 'Regulation and Guidance' then 'Creditors' Guides to Fees' then 'Liquidator's Fees (November 2011)'), or is available in hard copy upon written request to us.

At Appendix C to this report there is an analysis of the time spent in the Liquidations and a statement of our policy in relation to charging time is attached at Appendix D.

As at 23 December 2015, total time costs and disbursements incurred across TJH and Properties are detailed below:

Company	Time cost (£)	Category 1 (£)	Category 2 (£)	Total (£)	Amounts drawn (£)
TJH	1,301,764	147	5,535	1,307,446	905,296
Properties	6,771	Nil	Nil	6,771	Nil

An analysis of Category 2 disbursements (i.e. those disbursements incurred by the Joint Liquidators' firm which includes an element of shared overhead) is included within Appendix C to this report.

In certain circumstances, creditors are entitled to request further information about the Joint Liquidators' remuneration or apply to Court if they consider the Joint Liquidators' remuneration is excessive. Further information is provided in Appendix E.

### Payments to other professionals

The Joint Liquidators engaged Addleshaw Goddard LLP for legal advice in respect of matters in the Liquidation. Addleshaw Goddard's fees are based on time costs and an amount of £25,000 has been paid during the Period.

Jones Lang LaSalle Limited has assisted the Joint Liquidators to obtain business rates refunds and is paid on a commission basis. During the period, £11,649 has been paid to Jones Lang LaSalle Limited.



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### **Outstanding matters to complete prior to closure**

There remain a number of matters to be dealt with before the Liquidation is closed, including, but not limited to, settling all remaining expenses of the Administrations and Liquidations, submitting final Corporation Tax returns and obtaining tax clearance from HM Revenue & Customs

### **Next report**

My next report will be the final progress report of these cases, and will cover the period from 24 December 2015 to their closure

I trust that this report is sufficient for your purposes, if you have any queries in this matter please contact my colleague Steven Boath on 0161 333 2940

Yours faithfully

T A Jack  
Joint Liquidator

### **Enclosures**

- Appendix A – Statutory information
- Appendix B – Joint Liquidators' abstract of receipts and payments from 24 December 2012 to 23 December 2015
- Appendix C – Summary of Joint Liquidators' time-costs and disbursements from 24 December 2012 to 23 December 2015
- Appendix D – Joint Liquidators' policy for fees and disbursements
- Appendix E – Further information for creditors regarding remuneration and disbursements

T A Jack and S Allport are licensed in the United Kingdom to act as insolvency practitioners by The Institute of Chartered Accountants in England and Wales

We may collect use transfer store or otherwise process (collectively, Process ) information that can be linked to specific individuals ( Personal Data ) We may Process Personal Data in various jurisdictions in accordance with applicable law and professional regulations including (without limitation) the Data Protection Act 1998



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## Appendix A

### **T J Hughes Limited (in Creditors' Voluntary Liquidation)**

#### **Summary of statutory information**

##### **Company Information**

Company Name	TJ Hughes Limited
Registered Office Address	100 Barbirolli Square Manchester M2 3EY
Registered Number	00224422
Trading Name(s)	None
Trading Address(es)	Hughes House London Road Liverpool Merseyside L3 8JA

##### **Details of the Liquidators and of their appointment**

Liquidators	T A Jack and S Allport
Address	100 Barbirolli Square Manchester M2 3EY
Date of Appointment	24 December 2012



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## Appendix A

### **T J Hughes (Properties) Company Limited (in Creditors' Voluntary Liquidation)**

#### **Summary of statutory information**

##### **Company Information**

Company Name	TJ Hughes (Properties) Company Limited
Registered Office Address	100 Barbirolli Square Manchester M2 3EY
Registered Number	04984416
Trading Name(s)	None
Trading Address(es)	Hughes House London Road Liverpool Merseyside L3 8JA

##### **Details of the Liquidators and of their appointment**

Liquidators	T A Jack and S Allport
Address	100 Barbirolli Square Manchester M2 3EY
Date of Appointment	24 December 2012



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## Appendix B

### T J Hughes Limited (in Creditors' Voluntary Liquidation)

#### Joint Liquidators' abstract of receipts and payments from 24 December 2012 to 23 December 2015

Statement of Affairs estimated to realise					
Note	£	Receipts and payments account	£	£	£
			24 December 2012 to 23 December 2013	24 December 2013 to 23 December 2014	24 December 2014 to 23 December 2015
					Total
3		<b>Receipts</b>			
1 2	4 159 509	Administration Surplus	4 159 509 07		4 159 509 07
		Rates refunds	27 446 15	163 420 69	294 059 92
		Debtors not subject to fixed charge	-	93 655 77	93 655 77
		License Fee Received	40 847 39		40 847 39
		Bank Interest	25 087 60	9 751 54	38 576 44
		Sundry Income	942 98	1 181 35	4 217 37
		Insurance Claim Receipts	600 00	-	600 00
		Prepayments & other debts	-	304 94	304 94
		<b>Total</b>	<b>4 254 433 19</b>	<b>268 314 29</b>	<b>109 023 42</b>
1 2		<b>Payments</b>			
		Administrators Fees	(650 000 00)	(352 468 00)	(431 00)
		Liquidators Fees & Disbursements	-	(250 000 00)	(655 296 00)
		Consultancy Fees	(120 000 00)	-	(120 000 00)
		Legal Fees	(33 650 00)	(35 306 12)	(93 956 12)
		Agents Fees	(35 090 23)	(11,717 54)	(11 648 89)
		Business Rates	-	(33 874 30)	(33 874 30)
		Insurance	(10 249 56)	-	(10 582 02)
		Retention of Title Settlement	(20 000 00)	-	(20 000 00)
		License Fees	-	-	(12 000 00)
		Storage Charges	(3 777 08)	(3 741 68)	(935 42)
		Heat & Light	(6 710 83)	-	(6 710 83)
		Sundry Expenses	(4 166 00)	-	(4 166 00)
		Legal Disbursements	(577 52)	-	(577 52)
		Cheque printing costs	-	(406 43)	(406 43)
		Public Notices	(84 60)	(75 50)	(160 10)
		Bank Charges	(22 20)	(96 90)	(16 80)
		Telephone telex, fax, etc	-	-	(97 22)
		Corporation Tax	(39 316 38)	39 316 38	-
		<b>Distributions</b>			
		Non-preferential creditors	-	(1 699 342 85)	(3 42)
		<b>Total distributions</b>		<b>(1 699 342 85)</b>	<b>(3 42)</b>
		<b>Total payments</b>	<b>(923 644 40)</b>	<b>(2 347 712 94)</b>	<b>(716 020 77)</b>
		<b>Balances in hand</b>	<b>3 330 788 79</b>	<b>(2 079 398 65)</b>	<b>(606 997 35)</b>
		<b>Represented by</b>			
		Cash at bank	3 159 344 21	(1 966 304 03)	(645 659 61)
		VAT receivable / (payable)	171 359 98	(112 112 58)	38 662 26
		T.J Hughes (Properties) Ltd Loan A/c	84 60	-	84 60
		Ringfenced funds in respect of unclaimed dividends	-	(982 04)	-
			<b>3 330 788 79</b>	<b>(2 079 398 65)</b>	<b>(606 997 35)</b>

#### Notes

1 This receipts and payments account is shown net of VAT

2 This receipts and payments account has been prepared on a cash basis and does not reflect debts not collected or liabilities not paid

3 The Statement of Affairs estimated to realise column is a requirement of Statement of Insolvency Practice 7. No Statement of Affairs is required in the Liquidation. Estimated to realise values have been taken at the date of appointment of the Joint Liquidators



**T J Hughes (Properties) Company Limited**  
**(in Creditors' Voluntary Liquidation)**

**Joint Liquidators' abstract of receipts and payments  
from 24 December 2012 to 23 December 2015**

Statement of Affairs estimated to realise				
Notes	£	£	£	£
	24 December 2012 to 23 December 2013	24 December 2013 to 23 December 2014	24 December 2014 to 23 December 2015	Cumulative total
3				
	<b>Receipts</b>			
	Licence fee receipt	-	12 000 00	12 000 00
	Bank interest	-	1 53	1 53
	<b>Total</b>		12 001 53	12 001 53
	<b>Payments</b>			
	Administrators' fees	-	(11 973 60)	(11 973 60)
	Public notices	(84 60)	-	(84 60)
	Bank charges	-	(0 60)	(0 60)
	<b>Total payments</b>	(84 60)	(11 974 20)	(12 058 80)
	<b>Balances in hand</b>	(84 60)	27 33	(57 27)
1,2	<b>Represented by</b>			
	T J Hughes Ltd - Loan A/c	(84 60)	-	(84 60)
	VAT receivable	-	-	-
	Cash at bank	-	27 33	27 33
		(84 60)	27 33	(57 27)
<b>Notes.</b>				
1 This receipts and payments account is shown net of VAT				
2 This receipts and payments account has been prepared on a cash basis and does not reflect debts not collected or liabilities not paid				
3 The Statement of Affairs estimated to realise column is a requirement of Statement of Insolvency Practice 7 No Statement of Affairs is required in the Liquidation				
Estimated to realise values have been taken at the date of appointment of the Joint Liquidators				



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## Appendix C

### T J Hughes Limited (in Creditors' Voluntary Liquidation)

#### Summary of Joint Liquidators' time-costs and disbursements from 24 December 2012 to 23 December 2015

	Staff Grade						Total Hours	Time Cost (£)	Average Hourly Rate (£)
	Partner	Director	Assistant Director	Senior Executive	Executive	Analyst			
Job Acceptance & Strategy	8.0		5.0	2.0			15.0	7,670.00	511
Bank & Statutory Reporting	57.0		21.0		1.5	45.2	124.7	51,208.00	411
Property	99.0	1.5	153.5	38.8	222.5	58.4	571.7	199,534.00	349
Debtors	-		3.5			3.5	7.0	2,112.50	302
Other Assets	-		2.0				2.0	950.00	475
Retention of Title	-		14.0		23.5	0.5	38.0	11,267.50	297
Creditors	163.0	9.5	384.5	74.5	531.0	738.8	1,879.3	522,842.00	278
Legal Issues	6.0					0.6	6.6	3,681.00	558
Employee Matters	43.5		59.5		118.2	37.2	258.4	84,254.50	368
Accounting & Administration	48.0	1.0	15.1	114.0	498.6	297.6	974.3	239,601.50	246
Statutory Duties	66.5	2.0	9.0		23.0	1.0	101.5	52,027.00	513
VAT & Taxation	44.0		24.6	25.0	65.5	74.2	233.3	81,855.00	351
Other Matters	47.0				14.0	11.5	72.5	34,759.50	479
<b>Total Hours</b>	<b>582.0</b>	<b>14.0</b>	<b>671.7</b>	<b>254.3</b>	<b>1,495.3</b>	<b>1,264.5</b>	<b>4,282.3</b>		
<b>Time Cost (£)</b>	<b>359,500.00</b>	<b>6,572.50</b>	<b>299,906.50</b>	<b>86,281.00</b>	<b>367,086.50</b>	<b>182,435.00</b>		<b>1,301,763.50</b>	
<b>Average Hourly Rate (£)</b>	<b>618</b>	<b>469</b>	<b>448</b>	<b>339</b>	<b>245</b>	<b>144</b>		<b>304</b>	
Category 1 disbursements	£								
Category 2 disbursements	147.30								
	5,535.06								
	5,682.36								

Charge out rates (£ per hour)		From 1 July 2012 to 30 June 2013	From 1 July 2013 to 30 June 2014	From 1 July 2014 to 30 June 2015	From 1 July 2015
Corporate Restructuring	Partner	570-810	600-850	630-895	660-940
	Director	470-735	490-815	515-855	540-900
	Assistant Director	410-610	430-695	450-675	475-710
	Senior Executive	320-420	335-440	350-460	370-485
	Executive	230-310	195-330	205-340	215-355
	Analyst	85-280	65-295	95-310	145-325
Indirect Tax	Intern	95	100	105	110
	Partner	925	970	1065	1120
	Assistant Director	545	570-630	625-695	655-730
	Manager	0	440	485	510
	Executive	345	380	395	415
Transaction Tax	Intern	0	0	35	35
	Partner	1115	735-1170	815-1290	1125-1355
	Assistant Director	775	475-965	525-1045	770-1095
	Senior Executive	540	335-565	370-775	650-815
Fraud Investigation & Dispute Services	Analyst	170-200	105-315	120-350	125-370
	Assistant Director	570	600	615	645



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## T J Hughes (Properties) Company Limited (in Creditors' Voluntary Liquidation)

### Summary of Joint Liquidators' time costs and disbursements from 24 December 2012 to 23 December 2015

	Staff Grade						Time Cost (£)	Average Hourly Rate (£)
	Partner	Director	Assistant Director	Senior Executive	Executive	Analyst		
Job Acceptance & Strategy	-	-	-	-	-	-	-	-
Bank & Statutory Reporting	10	-	30	-	30	20	2 800 00	311
Property	-	-	-	-	-	-	-	-
Retention of Title	-	-	-	-	-	-	-	-
Creditors	-	-	-	-	-	-	-	-
Employee Matters	-	-	-	-	-	-	-	-
Accounting & Administration	-	-	10	-	70	-	1 640 00	205
Environmental Issues	-	-	-	-	-	-	-	-
Statutory Duties	-	-	20	-	40	-	2 010 00	335
VAT & Taxation	-	-	01	-	-	35	320 50	89
Other Matters	-	-	-	-	-	-	-	-
<b>Total Hours</b>	<b>10</b>	<b>-</b>	<b>61</b>	<b>-</b>	<b>140</b>	<b>55</b>	<b>266</b>	
<b>Time Cost (£)</b>	<b>630 00</b>	<b>-</b>	<b>2 824 50</b>	<b>-</b>	<b>2 675 00</b>	<b>641 00</b>	<b>6 770 50</b>	
<b>Average Hourly Rate (£)</b>	<b>630</b>	<b>-</b>	<b>463</b>	<b>-</b>	<b>191</b>	<b>117</b>	<b>255</b>	
£								
Category 1 disbursements								
Category 2 disbursements								

Charge out rates (£ per hour)		From 1 July 2012 to 30 June 2013	From 1 July 2013 to 30 June 2014	From 1 July 2014 to 30 June 2015	From 1 July 2015
Corporate Restructuring	Partner	570-810	600-850	630-895	660-940
	Director	470-735	490-815	515-855	540-900
	Assistant Director	410-610	430-695	450-675	475-710
	Senior Executive	320-420	335-440	350-460	370-485
	Executive	230-310	195-330	205-340	215-355
	Analyst	85-280	65-295	95-310	145-325
	Intern	95	100	105	110
Indirect Tax	Partner	925	970	1065	1120
	Assistant Director	545	570-630	625-695	655-730
	Manager	0	440	485	510
	Executive	345	360	395	415
	Intern	0	0	35	35
Transaction Tax	Partner	1115	735-1170	815-1290	1125-1355
	Assistant Director	775	475-965	525-1045	770-1095
	Senior Executive	540	335-565	370-775	650-815
	Analyst	170-200	105-315	120-350	125-370
Fraud Investigation & Dispute Services	Assistant Director	570	600	615	645



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## Appendix C

### **T J Hughes Limited** **(in Creditors' Voluntary Liquidation)**

#### **Category 2 disbursements** **from 23 December 2012 to 24 December 2015**

The Category 2 disbursements (as defined at Appendix D) are analysed as follows

<b>Nature of disbursement</b>	<b>Amount (£)</b>	<b>Basis of charge</b>
Postage	119 50	Postage costs in respect of correspondence sent out in respect of the Liquidation
Internal photocopying and printing costs	5,415 56	Printing costs incurred in preparing correspondence to send to creditors
<b>Total</b>	<b>5,535.06</b>	



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## Appendix D

**T J Hughes Limited  
T J Hughes (Properties) Company Limited  
(Both in Creditors' Voluntary Liquidation)  
(together, 'the Companies')**

### **Joint Liquidators' policy for fees and disbursements**

#### **Office Holders' Charging Policy for Fees**

The Companies' secured and preferential creditors have determined that the Joint Liquidators' remuneration should be fixed on the basis of time properly incurred by the Joint Liquidators and their staff in attending to matters arising in the Liquidations

The Joint Liquidators have engaged a manager and other staff to work on the cases. The work required is delegated to the most appropriate level of staff taking account of the nature of the work and the individual's experience. Additional assistance is provided by accounting and treasury executives dealing with the Companies' bank accounts and statutory compliance diaries. Work carried out by all staff is subject to the overall supervision of the Joint Liquidators.

All time spent by staff working directly on case-related matters is charged to a separate time code established for each case. Each member of staff has a specific hourly rate, which is subject to change over time. The average hourly rate for each category of staff over the period is shown in Appendix 3, as are the current hourly rates used. The current hourly rates may be higher than the average rates, if hourly rates have increased over the period covered by this report.

The above time costs are shown in units of pounds and time is recovered to the nearest six minutes.

#### **Office Holders' Charging Policy for Disbursements**

Statement of Insolvency Practice No. 9 ('SIP 9') published by R3 (The Association of Business Recovery Professionals) divides disbursements into two categories.

Category 1 disbursements comprise payments made by the office holders' firm, which comprise specific expenditure relating to the administration of the insolvent's affairs and referable to payment to an independent third party. These disbursements can be paid from the insolvent's assets without further approval from the secured and preferential creditors. In line with SIP 9, it is our policy to disclose such disbursements drawn but not to seek approval for their payment. We are prepared to provide such additional information as required to support the disbursements drawn.

Category 2 disbursements comprise payments made by the Office Holders' firm which include elements of shared or overhead costs. Such disbursements are subject to approval from the secured and preferential creditors as if they were remuneration. It is our policy, in line with SIP 9, to seek approval for this category of disbursement before they are drawn.



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## Appendix E

### **Creditors' rights to request further information about remuneration or expenses or to challenge a liquidator's remuneration – Rules 4.49E and 4.131 of the Insolvency Rules 1986 (as amended)**

#### **4.49E Creditors' request for further information**

- 1) If
  - a) within the period mentioned in paragraph (2)
    - i a secured creditor, or
    - ii an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
  - b) with the permission of the court upon an application made within the period mentioned in paragraph (2), any unsecured creditor,

makes a request in writing to the liquidator for further information about remuneration or expenses set out in a progress report in accordance with Rule 4 49B(1)(e) or (f) (including by virtue of Rule 4 49C(5)) or in a draft report under Rule 4 49D, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of matter in a draft report under Rule 4 49D or a progress report required by Rule 4 108 which (in either case) was previously included in a progress report not required by Rule 4 108
- 2) The period referred to in paragraph (1)(a) and (b) is
  - a) 7 business days of receipt of the progress report where it is required by Rule 4 108, and
  - b) 21 days of receipt of the report or draft report in any other case
- 3) The liquidator complies with this paragraph by either
  - a) providing all of the information asked for, or
  - b) so far as the liquidator considers that
    - i the time or cost of preparation of the information would be excessive, or
    - ii disclosure of the information would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or
    - iii the liquidator is subject to an obligation of confidentiality in respect of the information,giving reasons for not providing all of the information
- 4) Any creditor, who need not be the same as the creditors who asked for the information, may apply to the court within 21 days of
  - a) the giving by the liquidator of reasons for not providing all of the information asked for, or
  - b) the expiry of the 14 days provided for in paragraph (1),and the court may make such order as it thinks just
- 5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks or, as the case may be, 4 weeks provided for in Rule 4 131(1B) or 4 148C(2) by such further period as the court thinks just
- 6) This Rule does not apply where the liquidator is the official receiver

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

- 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, or
- (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 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

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