

2.24B

The Insolvency Act 1986

Administrator's progress report

Name of Company

Faupel Home Furnishings Limited

Company number

00283009

In the High Court of Justice, Chancery Division,
Manchester District Registry

(full name of court)

Court case number

1441 / 2009

(a) Insert full
name(s) and
address(es)
of administrator(s)I/We (a)
Christopher Ratten
Tenon Recovery
Arkwright House,
Parsonage Gardens,
Manchester,
M3 2LFJeremy Woodside
Tenon Recovery
Arkwright House,
Parsonage Gardens,
Manchester,
M3 2LF

administrators of the above company attach a progress report for the period

From

(b) 12 May, 2009

To

(b) 11 November 2009

Signed

Joint Administrator

Dated

10/12/2009

Contact Details:

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form.

The contact information that you give will be visible to searchers of the p

Jeremy Woodside
Tenon Recovery

DX Number

DX Exchange



PC2

15/12/2009

501

COMPANIES HOUSE

When you have completed and signed this form, please send it to the Registrar of Companies at:-
Companies House, Crown Way, Cardiff CF14 3UZ DX 33050 Cardiff

Tenon recovery

To All Creditors

Our ref: 5000786/ADM.602e
Your ref:
Date: 10 December 2009
Email: david.gardner@tenongroup.com
Tel: +44 (0) 161 827 8444

Dear Sirs

Faupel Limited, Faupel Brothers Limited and Faupel Home Furnishings Limited ("The Companies") – In Administration

In accordance with Rule 2.47, I would like to provide creditors with my first update following my appointment as Joint Administrator on 12 May 2009.

1. Statutory Information

Statutory information relating the Companies and the appointment is attached to this report as **Appendix I**.

2. Administrators' accounts

Attached as **Appendix II** is the Administrators' account for the period 12 May 2009 to 11 November 2009. I would comment specifically as follows:

2.1. Trade Debtors

At the date of appointment the Company's book debts totalled £1,730,689 and were assigned to Eurofactor (UK) Limited ('Eurofactor'). Based on current information there is likely to be a surplus on the book debt collection as there are currently circa £473,847 of debts still outstanding and Eurofactor have almost satisfied their fixed charge.

2.2. Fixtures, Fittings and Equipment

The warehouse racking owned by Faupel Brothers Limited realised £17,000 net of agents charges. A further £5,075 was realised from sundry computer equipment and furniture.

Tel: 0161 827 8444 Fax: 0161 827 8402
Email: david.gardner@tenongroup.com
www.tenongroup.com

Tenon Recovery is a trading name of Tenon Limited.
Registered Office 66 Chiltern Street, London, W1U 4GB. Registered no: 04066924 England
A member of Tenon Group PLC
Directors and staff acting as Administrative Receivers and Administrators act as agents of the company over which they are appointed and contract without personal liability.

2.3. Stock

The Administrators conducted a physical stock take prior to appointment and a provision was allowed for stock believed to be subject to retention of title. Offers for the stock were accepted following advice from our agents.

The following realisations were achieved from the Companies' stocks:

Faupel Brothers Limited	£141,088
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Faupel Home Furnishings Limited	£421,337
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All consideration was paid in full on completion.

2.4. Intangible Assets

The Administrators successfully agreed a sale of the brand names (goodwill) and customer information within the deals for the associated stock. An analysis of the realisations achieved are detailed below:

	Goodwill	Customer Information
Faupel Limited	£10,000	-
Faupel Brothers Limited	£20,000	£10,002
Faupel Home Furnishings Limited	£69,999	£1

All of the above monies were received on completion.

3. Administrators' Proposals

I can confirm that at the meeting of creditors held on 3 April 2009 the Joint Administrators' proposals for achieving the purpose of the Administration were approved by creditors.

4. Dividend Prospects

4.1. Secured Creditors

The Companies' book debts are assigned to Eurofactor Finance UK Limited ("Eurofactor"). It is anticipated that Eurofactor will be paid in full.

4.2. Preferential creditors

It is anticipated that the preferential creditors will be paid in full.

4.3. Unsecured creditors

It is anticipated that there will be a distribution to unsecured creditors. However, the level of any distribution is dependent upon the level of surplus on the book debt collection.

5. End of Administration

As outlined in the initial report to creditors it is the Administrators intention to exit the Administration into either Creditors Voluntary Liquidation ("CVL") pursuant to paragraph 83 of schedule B1 to the Act, or into Compulsory Liquidation pursuant to a petition being presented to the court by the Joint Administrators.

6. Remuneration

At the initial meeting of creditors held pursuant to paragraph 49 of Schedule B1 of the Act it was resolved that the Administrators proposals relating to their remuneration be approved. This provided for the Administrators to be remunerated with reference to time properly spent in dealing with this matter.

Included within this report, as **Appendix III** is a schedule of time costs to date and supporting information as required by Statement of Insolvency Practice number 9. The Joint Administrators have time costs to date as follows:

	Time Costs £	Disbursements £
Faupel Limited	7,267.75	10.40
Faupel Brothers Limited	115,083.17	2,833.77
Faupel Home Furnishings Limited	107,572.05	1,167.64

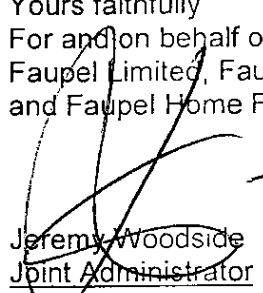
7. Further Information

Should you have any queries please do not hesitate to contact David Gardner on the above number.

Yours faithfully

For and on behalf of

Faupel Limited, Faupel Brothers Limited
and Faupel Home Furnishings Limited



Jeremy Woodside
Joint Administrator

Licensed to act as an Insolvency Practitioner by the Institute of Chartered Accountants in England and Wales

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Appendix I – Statutory Information

Company Information

Company Name	Faupel Limited
Company Number	01367775
Registered Office	Arkwright House, Parsonage Gardens, Manchester, M3 2LF
Trading Address	St James Building, 79 Oxford Street, Manchester, M1 6FQ

Appointment details

Administrators	Christopher Ratten and Jeremy Woodside of Tenon Recovery
Administrators' address	Tenon Recovery, Arkwright House, Parsonage Gardens, Manchester, M3 2LF
Date of appointment	12 May, 2009
Court	Manchester High Court
Court Reference	1440 / 2009
Appointed by:	Directors
Functions:	Any act required or authorised under any enactment to be done by an administrator may be done by either or both of the Administrators acting jointly or alone.
EC Regulations:	The Company's registered office is from where the Company carries on its business. Therefore in the absence of proof to the contrary, the Company's centre of main interests is in the United Kingdom and as such these proceedings will be the main proceedings as defined in article 3 of the EC regulation as.
Extensions:	The Administrators have not sought an extension to the period defined by Paragraph 76(1) of Schedule B1 of the Act that provides for the automatic end of the Administration after 12 months from the date of appointment.

Appendix I – Statutory Information

Company Information

Company Name	Faupel Brothers Limited
Company Number	00657180
Registered Office	Arkwright House, Parsonage Gardens, Manchester, M3 2LF
Trading Address	St James Building, 79 Oxford Street, Manchester, M1 6FQ

Appointment details

Administrators	Christopher Ratten and Jeremy Woodside of Tenon Recovery
Administrators' address	Tenon Recovery, Arkwright House, Parsonage Gardens, Manchester, M3 2LF
Date of appointment	12 May, 2009
Court	Manchester High Court
Court Reference	1439 / 2009
Appointed by:	Directors
Functions:	Any act required or authorised under any enactment to be done by an administrator may be done by either or both of the Administrators acting jointly or alone.
EC Regulations:	The Company's registered office is from where the Company carries on its business. Therefore in the absence of proof to the contrary, the Company's centre of main interests is in the United Kingdom and as such these proceedings will be the main proceedings as defined in article 3 of the EC regulation as.
Extensions:	The Administrators have not sought an extension to the period defined by Paragraph 76(1) of Schedule B1 of the Act that provides for the automatic end of the Administration after 12 months from the date of appointment.

Appendix I – Statutory Information

Company Information

Company Name	Faupel Home Furnishings Limited
Company Number	00283009
Registered Office	Arkwright House, Parsonage Gardens, Manchester, M3 2LF
Trading Address	St James Building, 79 Oxford Street, Manchester, M1 6FQ

Appointment details

Administrators	Christopher Ratten and Jeremy Woodside of Tenon Recovery
Administrators' address	Tenon Recovery, Arkwright House, Parsonage Gardens, Manchester, M3 2LF
Date of appointment	12 May, 2009
Court	Manchester High Court
Court Reference	1441 / 2009
Appointed by:	Directors
Functions:	Any act required or authorised under any enactment to be done by an administrator may be done by either or both of the Administrators acting jointly or alone.
EC Regulations:	The Company's registered office is from where the Company carries on its business. Therefore in the absence of proof to the contrary, the Company's centre of main interests is in the United Kingdom and as such these proceedings will be the main proceedings as defined in article 3 of the EC regulation as.
Extensions:	The Administrators have not sought an extension to the period defined by Paragraph 76(1) of Schedule B1 of the Act that provides for the automatic end of the Administration after 12 months from the date of appointment.

Faupel Limited
(In Administration)
Joint Administrators' Abstract of Receipts & Payments
To 26/11/2009

S of A £	£	£
SECURED ASSETS		
Goodwill	10,000.00	10,000.00
ASSET REALISATIONS		
Cash at Bank\in hand	4,778.18	
Bank Interest Net of Tax	5.71	4,783.89
COST OF REALISATIONS		
Specific Bond	98.00	(98.00)
		<u>14,685.89</u>
REPRESENTED BY		
Floating Deposit A/c		<u>14,685.89</u>
		<u>14,685.89</u>

Faupel Brothers Limited
(In Administration)
Joint Administrators' Trading Account
To 26/11/2009

S of A £	£	£
POST APPOINTMENT SALES		
Advance to cover trading costs	<u>160,000.00</u>	160,000.00
OTHER DIRECT COSTS		
Direct Labour	<u>53,500.29</u>	(53,500.29)
TRADING EXPENDITURE		
Rents	968.80	
Rates	5,698.61	
Heat & Light	2,765.92	
Telephone	1,151.79	
Lease/HP Payments	850.00	
Hire of Equipment	11,350.58	
Repairs & Maintenance	1,875.68	
Pension Contributions	<u>100.00</u>	(24,761.38)
TRADING SURPLUS/(DEFICIT)		<u><u>81,738.33</u></u>

Faupel Brothers Limited
(In Administration)
Joint Administrators' Abstract of Receipts & Payments
To 26/11/2009

S of A £	£	£
SECURED ASSETS		
Goodwill	20,000.00	
Book Debts	<u>1,875.71</u>	21,875.71
COSTS OF REALISATION		
Legal Fees	<u>30,347.90</u>	(30,347.90)
ASSET REALISATIONS		
Intellectual Property	10,000.00	
Commercial Information	1.00	
Customer List	1.00	
Plant & Machinery	17,000.00	
Furniture & Equipment	5,074.72	
Champion Stock	139,998.00	
Christy stock (credit note)	(2,909.69)	
Airline stock	4,000.00	
Book Debts	5.00	
Cash at Bank in hand	63.63	
Health policy refund	145.92	
Chinese Office Closure Costs	(8,675.00)	
Bank Interest Gross	113.75	
Bank Interest Net of Tax	109.36	
Life Assurance refund	6,732.00	
Insurance Commissions	942.85	
Trading Surplus/(Deficit)	81,738.33	
Refund of Deposits	10,281.59	
Labour recharge	<u>1,778.55</u>	266,401.01
COST OF REALISATIONS		
Specific Bond	264.00	
Office Holders Expenses	1,307.77	
Agents/Valuers Fees (1)	13,108.66	
Statutory Advertising	385.20	
Bank Charges	139.00	
Professional Fees - Pensions	<u>26,891.76</u>	(42,096.39)
UNSECURED CREDITORS		
Inland Revenue	<u>15,710.30</u>	(15,710.30)
		<u>200,122.13</u>
REPRESENTED BY		
Vat Receivable		59,054.53
Floating Deposit A/c		130,971.47

Trading / No2 account
Vat Payable

82,436.67
(72,340.54)
200,122.13

Faupel Home Furnishings Limited
(In Administration)
Joint Administrators' Trading Account
To 26/11/2009

S of A £	£	£
TRADING EXPENDITURE		
Rates	319.83	
Insurance	<u>748.62</u>	
		(1,068.45)
TRADING SURPLUS/(DEFICIT)		<u><u>(1,068.45)</u></u>

Faupel Home Furnishings Limited
(In Administration)
Joint Administrators' Abstract of Receipts & Payments
To 26/11/2009

S of A £	£	£
SECURED ASSETS		
Goodwill	69,999.00	69,999.00
ASSET REALISATIONS		
Furniture & Equipment	1,395.00	
Stock	536,337.07	
Commercial Information	1.00	
Bank Interest Net of Tax	430.58	
Trading Surplus/(Deficit)	(1,068.45)	
		537,095.20
COST OF REALISATIONS		
Specific Bond	528.00	
ROT Settlement	115,000.00	
Agents/Valuers Fees (1)	1,692.50	
Legal Fees (1)	20,020.00	
Stationery & Postage	432.00	
Rents Payable	9,425.34	
Other Property Expenses	10.00	
Duty on bonded stock	60,460.45	
		(207,568.29)
		<u>399,525.91</u>
REPRESENTED BY		
Vat Receivable		89,380.11
Floating Deposit A/c		40,596.36
Bank of Ireland Special Deposit		350,000.00
Vat Payable		(80,450.56)
		<u>399,525.91</u>

Appendix III

Information relating to Administrators' Remuneration

Office Holder Remuneration

Case Name	Faupel Limited, Faupel Home Furnishings and Faupel Brothers Limited	
Court	Manchester High Court	
Court reference	1440 / 2009, 1441 / 2009 and 1439/ 2009 respectively	
Office Holders	Christopher Ratten	IP Number: 009338
	Jeremy Woodside	IP Number: 009515
Firm	Tenon Recovery	
Address	Arkwright House, Parsonage Gardens, Manchester, M3 2LF	
Type of Appointment	Administration	
Date of Appointment	12 May, 2009	

1. Overview of Case

1.1. Appointment

We were appointed Joint Administrators on 12 May, 2009 following an application by the Directors.

1.2. Strategy

The strategy for the Administration is to achieve a better result for the Company's creditors than would be achieved should the Company be wound up.

This has included attending to all statutory matters as and when required and to realise Company assets.

1.3. Staffing

A number of staff of various levels have been required. This has been necessary in order to deal with all aspects of the case.

1.4. Existing fee arrangements

As previously mentioned, the Joint Administrators are proposing that they should be remunerated by reference to time properly spent for their services as Administrators and also their staff in attending to the matters arising from the Administration of the Company. The Joint Administrators will be seeking agreement for such remuneration from the Creditors' Committee, or in the event that such a committee is not formed, from the creditors at the forthcoming meeting by way of formal resolution.

1.1. Professional Advisors

The following professional advisors have been utilised in this matter:

Professional Advisor	Nature of Work	Fee Arrangement
DLA Piper UK LLP	Solicitors	Time Costs
Winterhill Asset Limited	Agents	Time costs

1.6. Anticipated return to creditors

Bases on current realisation prospects it is anticipated that there will be no surplus to make a dividend to unsecured creditors.

2. Explanation of office-holders charging and disbursement recovery policies

2.1. Time recording

Time properly incurred on cases is charged to the assignment at the hourly rate prevailing at the time. The current hourly charge out rates are outlined below:

	£
Director and licensed Insolvency Practitioner	355
Senior Manager	260
Manager	190
Administrator	130-155
Cashier	105

2.2. Disbursement recovery

Certain costs may be incurred in relation to a case and in the first instance, paid by Tenon Recovery, and then recharged to the case. The amount recharged is the exact amount incurred. Examples are statutory bond, statutory advertising, land registry searches, insurance, travel and subsistence, archiving and storage costs.

Other costs which may be charged to the case are room hire for meetings held at the offices of Tenon Recovery and the cost of sending out reports to creditors, if material. The costs recharged are based upon the actual cost of the materials used or the costs which would have been incurred if that service had been sourced externally.

The current level of costs recharged are detailed below:

Room hire	£60.00
Envelope	4.2p
Paper (photocopies per sheet)	1.75p
Postage (depending on size and weight)	At cost
Files and dividers (cost per 100 creditors)	£2.00
Storage of archive box for one quarter	£1.60
Travel (per mile)	40p

2. Description of work carried out

Section 4 of this appendix outlines the time costs to date in relation to activities undertaken during this matter. These matters can be summarised as follows:

3.1 Administration and planning

The following activities have been undertaken:

- > Statutory duties associated with the appointment including the filing of relevant notices;
- > Notification of the appointment to creditors, members, employees and other interested parties;
- > Setting up case files;
- > Reviewing available information to determine appropriate strategy;
- > Setting up and maintaining bank accounts;

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

3.2 Investigations

The time spent comprises:

- > Corresponding with the former directors and management;
- > Review of questionnaires and comments provided by interested parties;
- > Review of company documentation;
- > Liaising with the creditors' committee on such matters; and
- > Completion of statutory returns to the Department of Trade and Industry.

3.3 Realisation of assets

Please refer to main body of the proposal

3.4 Creditors

The time spent includes the following matters

- > Recording and maintaining the list of creditors;
- > Dealing with employee related matters;
- > Dealing with reservation of title claims;
- > Recording creditor claims
- > Reporting to creditors;
- > Meetings of creditors;
- > Dealing with creditor queries;
- > Reviewing and evaluating creditor claims;

3.5 Investigations

The time spent comprises:

- > 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 Department of Trade and Industry.

Due to the complex nature and importance of the investigations, the staff utilised to conduct such work involved experienced members of staff.

4 Time and chargeout summary

Summary tables are included below and all costs exclude VAT.

Faupel Limited

	Director	Manager	Administrator	Total time	Total cost	Average
Administration and Planning	-	9.00	5.55	14.55	2,868.25	197
Realisation of Assets	-	-	7.45	7.45	963.50	129
Investigations	-	-	-	-	-	-
Creditors	1.50	-	18.00	19.50	3,415.00	175
Employee related tasks	-	-	0.20	0.20	21.00	-
Trading	-	-	-	-	-	-
				41.70	7,267.75	174

To date a total of 41.70 hours have been spent at an average charge out rate of £174 bringing the total cost to date to £7,267.75.

Faupel Brothers Limited

	Director	Manager	Administrator	Total time	Total cost	Average
Administration and Planning	22.25	23.40	26.45	72.10	16,850.92	234
Realisation of Assets	25.50	17.80	53.60	96.90	21,858.50	226
Investigations	-	-	7.25	7.25	1,123.75	-
Creditors	6.50	11.80	95.18	113.48	19,763.75	174
Employee related tasks	3.00	21.30	41.00	65.30	12,260.50	-
Trading	28.50	29.45	169.00	226.95	43,225.75	190
				581.98	115,083.17	198

To date a total of 581.98 hours have been spent at an average charge out rate of £198 bringing the total cost to date to £115,083.17.

Faupel Home Furnishings Limited

	Director	Manager	Administrator	Total time	Total cost	Average
Administration and Planning	50.25	37.43	21.45	109.13	30,266.30	277
Realisation of Assets	22.55	31.50	45.70	99.75	22,481.25	225
Investigations	-	42.60	7.25	49.85	10,213.75	205
Creditors	15.50	15.30	123.75	154.55	28,241.75	183
Employee related tasks	1.80	2.00	-	3.80	1,159.00	305
Trading	36.00	2.00	13.00	51.00	15,210.00	-
				468.08	107,572.05	230

To date a total of 468.08 hours have been spent at an average charge out rate of £233 bringing the total cost to date to £107,572.05.

Disbursements

4.1 Category 1

Category 1 disbursements incurred are outlined below:

	Incurred £	Paid £
Mileage & subsistence	2,703.89	2,703.89
Specific penalty bond		
Postage	312.30	312.30
Storage	546.67	546.67
Statutory advertising	238.95	238.95
Swearing Fee	210.00	210.00
Total	<u>4,011.81</u>	<u>4,011.81</u>

The above costs exclude VAT.

4.2 Category 2 disbursements

No Category 2 disbursements have been charged to this matter.

Supporting documentation

Up to date Receipts and Payments account
Creditors Guide to fees

A CREDITORS' GUIDE TO ADMINISTRATORS' FEES

Where Petition Presented or Appointment Made On or After 15 September 2003

ENGLAND AND WALES

1. Introduction

- 1.1 When a company goes into administration the costs of the proceedings are paid out of its assets. The creditors, who hope eventually 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 administrator. The insolvency legislation recognises this interest by providing mechanisms for creditors to determine the basis of the administrator's fees. This guide is intended to help creditors be aware of their rights under the legislation to approve and monitor fees and explains the basis on which fees are fixed.

2. The nature of administration

- 2.1 Administration is a procedure which places a company under the control of an insolvency practitioner and the protection of the court with the following objective:

- > rescuing the company as a going concern, or
- > achieving a better result for the creditors as a whole than would be likely if the company were wound up without first being in administration,

or, if the administrator thinks neither of these objectives is reasonably practicable

- > realising property in order to make a distribution to secured or preferential creditors.

3. The creditors' committee

- 3.1 The creditors have the right to appoint a committee with a minimum of 3 and a maximum of 5 members. One of the functions of the committee is to determine the basis of the administrator's remuneration. The committee is normally established at the meeting of creditors which the administrator is required to hold within a maximum of 10 weeks from the beginning of the administration to consider his proposals. The administrator must call the first meeting of the committee within 6 weeks of its establishment, and subsequent meetings must be held either at specified dates agreed by the committee, or when a member of the committee asks for one, or when the administrator decides he needs to hold one. The committee has power to summon the administrator to attend before it and provide information about the exercise of his functions.

4. Fixing the administrator's fees

- 4.1 The basis for fixing the administrator's remuneration is set out in Rule 2.106 of the Insolvency Rules 1986, which states that it shall be fixed either:

- > as a percentage of the value of the property which the administrator has to deal with, or
- > by reference to the time properly given by the administrator and his staff in attending to matters arising in the administration.

It is for the creditors' committee (if there is one) to determine on which of these bases the remuneration is to be fixed, and if it is fixed as a percentage fix the percentage to be applied. Rule 2.106 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 administrator;
- > the effectiveness with which the administrator appears to be carrying out, or to have carried out, his duties;
- > the value and nature of the property which the administrator has to deal with.

4.2 If there is no creditors' committee, or the committee does not make the requisite determination, the administrator's remuneration may be fixed by a resolution of a meeting of creditors having regard to the same matters as the committee would. If the remuneration is not fixed in any of these ways, it will be fixed by the court on application by the administrator.

4.3 There are special rules about creditors' resolutions in cases where the administrator has stated in his proposals that the company has insufficient property to enable a distribution to be made to unsecured creditors except out of the reserved fund which may have to be set aside out of floating charge assets.

In this case, if there is no creditors' committee, or the committee does not make the requisite determination, the remuneration may be fixed by the approval of –

- > each secured creditor of the company; or
- > if the administrator has made or intends to make a distribution to preferential creditors –
 - each secured creditor of the company; and
 - preferential creditors whose debts amount to more than 50% of the preferential debts of the company, disregarding debts of any creditor who does not respond to an invitation to give or withhold approval,

having regard to the same matters as the committee would.

Note that there is no requirement to hold a creditors' meeting in such cases unless a meeting is requisitioned by creditors whose debts amount to at least 10 per cent of the total debts of the company.

4.4 A resolution of creditors may be obtained by correspondence.

5. What information should be provided by the administrator?

5.1 When seeking fee approval

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

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

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

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

- > Administration and planning

- > Investigations
- > Realisation of assets
- > Trading
- > Creditors
- > Any other case-specific matters

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

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

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

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

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

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

5.2 After fee approval

Where a resolution fixing the basis of fees is passed at any creditors' meeting held before he has substantially completed his functions, the administrator should notify the creditors of the details of the resolution in his next report or circular to them. In all subsequent reports to creditors the administrator should specify the amount of remuneration he has drawn in accordance with the resolution. Where the fee is based on time costs he should also provide details of the time spent and charge-out value to date and any material changes in the rates charged for the various grades since the resolution was first passed. He should also provide such additional information as may be required in accordance with the principles set out in paragraph 5.1.3. Where the fee is charged on a percentage basis the administrator should provide the details set out in paragraph 5.1.4 above regarding work which has been sub-contracted out.

5.3 Expenses and disbursements

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

6. What if a creditor is dissatisfied?

- 6.1 If a creditor believes that the administrator's remuneration is too high he may, if at least 25 per cent in value of the creditors (including himself) agree, apply to the court for an order that it be reduced. If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the

applicant must give the administrator a copy of the application and supporting evidence at least 14 days before the hearing. Unless the court orders otherwise, the costs must be paid by the applicant and not as an expense of the administration.

7. What if the administrator is dissatisfied?

- 7.1** If the administrator considers that the remuneration fixed by the creditors' committee is insufficient he may request that it be increased by resolution of the creditors. If he considers that the remuneration fixed by the committee or the creditors is insufficient, he may apply to the court for it to be increased. If he decides to apply to the court he must give at least 14 days' notice to the members of the creditors' committee and the committee may nominate one or more of its members to appear or be represented on the application. If there is no committee, the administrator's notice of his application must be sent to *such of the company's 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 as an expense of the administration.

8. Other matters relating to fees

- 8.1** Where there are joint administrators it is for them to agree between themselves how the remuneration payable should be apportioned. Any dispute arising between them may be referred to the court, the creditors' committee or a meeting of creditors.

- 8.2** If the administrator is a solicitor and employs his own firm to act on behalf of the company, profit costs may not be paid unless authorised by the creditors' committee, the creditors or the court.

9. Provision of information – additional requirements

In any case where the administrator is appointed on or after 1 April 2005 he must provide certain information about time spent on a 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 administrator 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 administrator's appointment, or where he has vacated office, the date that he vacated office.