

## The Insolvency Act 1986

## Notice of end of administration

Name of Company

Pressurecast Products Limited

Company number

00929330

In the

Bristol District Registry

(full name of court)

Court case number

259 of 2011

(a) Insert full  
name(s) andaddress(es) of  
administrator(s)

I/We (a) Paul Boyle  
Harrisons Business Recovery and Insolvency  
Limited  
4 St Giles Court  
Southampton Street  
Reading  
RG1 2QL

John Sallabank  
Harrisons Business Recovery and Insolvency  
Limited  
4 St Giles Court  
Southampton Street  
Reading  
RG1 2QL

(b) Insert name and  
address of  
registered  
office of company  
(c) Insert date of  
appointment  
(d) Insert name of  
appointor

having been appointed administrator(s) of (b) Pressurecast Products Limited  
4 St Giles Court, Southampton Street, Reading, RG1 2QL ('the company')

on (c) 25 February, 2011 by (d) Bristol District Registry  
hereby give notice that we think the purpose of administration has been sufficiently achieved in  
relation to the company

we attach to this notice a copy of the final progress report

we have sent a copy of this notice to the registrar of companies

Signed

  
Joint / Administrator(s)

Dated

22/9/11

(e) Insert date  
and time

## Endorsement to be completed by the court

This form and the attached documents has been filed (e) \_\_\_\_\_

TUESDAY



\*A39YGY31\*  
A37 04/10/2011 38  
COMPANIES HOUSE

**Pressurecast Products Limited  
In Administration**

**Final Progress Report to Creditors  
pursuant to Rules 2.47 & 2.110  
of the Insolvency Act 1986**

## **Pressurecast Products Limited – In Administration**

### **Final Progress Report to Creditors**

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## **Pressurecast Products Limited – In Administration**

### **Final Progress Report to Creditors**

#### **1. GLOSSARY**

Administrators	Paul Boyle and John Sallabank of Hamsons Business Recovery and Insolvency Limited ('Hamsons'), 4 St Giles Court, Southampton Street, Reading, RG1 2QL.
Appointor	Factor 21 Plc ('Factor 21'), Ayres House, Station Road, Wallingford, OX10 0XF.
Administration Application	The Administration documentation was filed at the Bristol District Registry on 25 February 2011 and allocated Court Number 259 of 2011.
Company	Pressurecast Products Limited (Company Registered Number 00929330) whose registered office is at 4 St Giles Court, Southampton Street, Reading, RG1 2QL ('the Company')

The references in this report to sections, paragraphs or rules are to the Insolvency Act 1986, Schedule B1 of the Insolvency Act 1986 and the Insolvency (Amendment) Rules 2003.

#### **2. INTRODUCTION**

We, Paul Boyle and John Sallabank of Hamsons, were appointed as Joint Administrators of the Company on 25 February 2011 upon Factor 21 filing a Notice of Appointment of an Administrator at the Bristol District Registry in accordance with Paragraph 14 of Schedule B1 of the Insolvency Act 1986.

As required under the provisions of the Insolvency Act 1986 creditors consent was sought and obtained with regards to the modified proposals. In accordance with Paragraph 100(2) of Schedule B1 Insolvency Act 1986 the functions of the Administrators are being exercised by either or both of us.

In accordance with Rules 2.47 and 2.110 of the Insolvency Act 1986 we now provide our final report to creditors on the progress of the Administration. This should be read in conjunction with our previous report.

#### **3. PURPOSE AND PROGRESS OF THE ADMINISTRATION**

##### **3.1 Purpose of the Administration**

The Company could not be saved as a going concern in accordance with Paragraph 3(1)(a), since there were insufficient funds available to finance trading the Company or to enable a contribution based voluntary arrangement. Paragraph 3(1)(b) does not apply since there are insufficient funds to enable a distribution to unsecured creditors.

The purpose of the Administration, in accordance with Paragraph 3(1)(c) is to realise property in order to make a distribution to one or more secured or preferential creditor

##### **3.2 Progress of the Administration**

###### **3.2.1 Receipts and Payments Account**

Attached at Appendix I for your reference is a summary of our receipts and payments since the commencement of the proceedings on 25 February 2011 to 24 August 2011 and for the period 25 August 2011 to 22 September 2011

## Pressurecast Products Limited – In Administration

### Final Progress Report to Creditors

#### 3. PURPOSE AND PROGRESS OF THE ADMINISTRATION CONTINUED...

Detailed below are the expenses incurred in the proceedings which have yet to be disbursed. Due to insufficient realisations these costs will not be discharged but will form a first expense in any subsequent proceedings.

Nature of Expense	Net £	VAT £
Administrators Remuneration	9,929.75	1,985.95
	<u>£9,929.75</u>	<u>£1,985.95</u>

##### 3.2.2 Asset Realisation

###### 3.2.2.1 Book Debts

At the commencement of the proceedings we were advised that the Company's records showed book debts outstanding totaling £2,933. Since a number of the debts were older than six months a prudent provision of 15% was made for the purposes of the Estimated Statement of Affairs, thereby providing an estimated to realise value of £2,493.

These debts are subject to a fixed charge in favour of Factor 21, which is owed the sum of £6,644 and as such, no surplus is anticipated to become available. We can confirm that Factor 21 reduced the outstanding ledger by collecting £1,400 and therein reducing its shortfall.

###### 3.2.2.2 Investigation Issues Identified

Following the distribution of our report pursuant to Paragraph 49 a creditors meeting was requested by Kaye Engineering Limited ('KEL') and Delphi Electronics Overseas Company Ltd for the purposes of clarifying the position regarding the Company's assets and to seek modifications to the proposals made. During that meeting the following were discussed:-

###### 3.2.2.3 Plant & Machinery

The accounts prepared at 31 December 2008 show the Company owned plant and machinery with a book value of £58,731 that were allegedly disposed of or transferred sometime prior to the commencement of the Administration. We were advised that no plant and machinery was under the Company's control upon our appointment. However we have been provided with contradictory information that this has either been transferred to another associated entity or remains at the Company's old trading premises.

Regrettably we have not been able to investigate this matter further because the records of the Company have not come under our control, and the creditors that sought the creditors meeting detailed within this report asked that we limit our investigation and allow it to be conducted by the liquidator, once appointed.

###### 3.2.2.4 Inter-Company Debts

At the creditors meeting the intercompany debts arising between the Company and its associates was discussed. In particular questions were raised in relation to the electric supply paid for by the Company but used by Kaye Presteigne Limited ('KPL') in the period since January 2010 to cessation of trading and whether KPL had been invoiced or made payment.

## **Pressurecast Products Limited – In Administration**

### **Final Progress Report to Creditors**

#### **3. PURPOSE AND PROGRESS OF THE ADMINISTRATION CONTINUED...**

At that time no relevant accounting records were available to answer the question. KPL had by this time commenced Creditors Voluntary Liquidation proceedings but the Statement of Affairs did not acknowledge the existence of the debt. Discussions were entered into with the liquidator of KPL who confirmed that the records of KPL showed sums due to the Company but this was not reflected in the documents completed by the directors of KPL in those proceedings

Based on the information available to the Joint Liquidators of KPL there is the prospect of a dividend but this is dependant on their investigation and realisation of assets in those proceedings and that it is too early to say with certainty that this will occur

A claim by the Company to KPL is yet to be submitted since the where about of the books and records has only recently been established. Those present at the meeting of creditors have also requested that any further work, investigation and establishment of the claim be undertaken by the liquidator once appointed.

##### ***3.2.2.5 Secured Creditor***

As reported previously a debenture consisting of fixed and floating charges over all tangible and intangible assets of the Company was granted to Factor 21 on 14 May 2010 and registered at Companies House on 18 May 2010. A shortfall has arisen as reported previously

A further debenture consisting of fixed and floating charges over all property and assets in favour of KEL was created on 18 May 2010 and registered at Companies House on 3 June 2010.

#### **3.3 Other Matters**

##### ***3.3.1 Joint Administrators' Remuneration & Disbursements***

In accordance with Rule 2 106(5A) our remuneration and disbursements, including our pre appointment time costs have been sought from Factor 21. However, a schedule of our time costs to date and together with a Creditors' guide to Administrators' fees and our fee and disbursement policy are attached at Appendix III, for your information.

##### ***3.3.2 Statement of Affairs***

Since our last report the Director's have provided us with a Statement of Affairs, which is identical to the Estimated Statement of Affairs previously provided.

##### ***3.3.3 Dividend Prospects***

At this time there are insufficient realisations to make a distribution to the preferential or unsecured creditors

## **Pressurecast Products Limited – In Administration**

### **Final Progress Report to Creditors**

#### **4. JOINT ADMINISTRATORS' PROPOSALS**

The following modified proposals were approved by creditors at the adjourned meeting held on 22 June 2011: -

1. It is possible that there will be insufficient funds available to make a distribution to unsecured creditors. Kaye Engineering, a creditor has sought and been granted leave by the Joint Administrators to continue with its petition for the winding up of the Company. The Joint Administrators are granted authority to exit the Administration under Paragraph 80 of Schedule B1 of the Insolvency Act 1986. The exit route will be co-ordinated to occur, if appropriate, with the hearing of said petition.
2. Alternatively the Joint Administrators shall, if presented with satisfactory evidence that asset(s) exists which is likely to cause a distribution to the unsecured creditors, will end the Administration and place the Company into Creditors Voluntary Liquidation pursuant to the provisions of Paragraph 83 of Schedule B1 of the Insolvency Act 1986 with Richard Toone and Kevin Murphy of Chantrey Vellacott being appointed Joint Liquidators.

No committee was formed at this meeting.

#### **5. CONCLUSION OF ADMINISTRATION**

Under the provisions of the Insolvency Act we are only entitled to exit the administration proceedings under proposal 2 if we have sufficient evidence to hand that there is a real possibility of a distribution to unsecured creditors. At the time of writing this report we have not been able to establish this and this is expanded upon earlier in this report.

As a result of not meeting the requirement of Paragraph 83 we are exiting the proceedings under Paragraph 80, 'termination of administration where objectives achieved', Proposal 1. We are advised that the Liquidator of KEL has commenced a petition for the winding up of the Company. The Liquidator will contact creditors as required by the provisions of the Insolvency Act 1986 once appointed.

The administration of this matter is now complete. Form 2.32B, Notice of end of Administration, has been filed at Companies House.

If you have any questions in relation to this report please do not hesitate to contact our Reading office.



Paul Boyle  
Joint Administrator

22 September 2011

**Pressurecast Products Limited**  
**(In Administration)**  
**Joint Administrators' Abstract of Receipts & Payments**

Statement of Affairs		From 25/08/2011 To 22/09/2011	From 25/02/2011 To 22/09/2011
2,493.00	SECURED ASSETS Book Debts	<u>NIL</u> NIL	<u>NIL</u> NIL
(6,644.00)	SECURED CREDITORS Factor 21 Plc	NIL	NIL
(145,748.00)	Kaye Engineering Ltd	<u>NIL</u> NIL	<u>NIL</u> NIL
(959.00)	UNSECURED CREDITORS Trade & Expense Creditors	NIL	NIL
(8,000.00)	Occupational Rent	NIL	NIL
(2,087.00)	HM Revenue & Customs (VAT)	NIL	NIL
(100.00)	HM Revenue & Customs (CT)	<u>NIL</u> NIL	<u>NIL</u> NIL
(1,000.00)	DISTRIBUTIONS Ordinary Shareholders	<u>NIL</u> NIL	<u>NIL</u> NIL
<b>(162,045.00)</b>		<u><b>NIL</b></u>	<u><b>NIL</b></u>
	REPRESENTED BY		<u><b>NIL</b></u>



**APPENDIX II**

**SCHEDULE OF TIME COSTS  
AND  
GUIDE TO ADMINISTRATORS' FEES**

**PRESS****Pressurecast Products Limited****SIP 9 - Time & Cost Summary**

Period 25/02/11 22/09/11

## Time Summary

Hours						Time Cost (£)	Average hourly rate (£)
Classification of work function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & planning	0 00	0 00	16 40	55.25	71 65	9,252.25	129 13
Investigations	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Realisations of assets	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
Creditors	0 00	0 00	0 00	6 90	6 90	862.50	125 00
Case specific matters	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Brought forward time	0 00	0 00	0 00	0 00	0 00	0 00	0 00
In House Legal	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Total Hours	0 00	0 00	16 40	62 15	78 55	10,114.75	128 77
Total Fees Claimed						0 00	

## **1. HARRISONS BUSINESS RECOVERY AND INSOLVENCY LIMITED FEE POLICY**

Charge out rates and policy regarding staff allocation, support staff, the use of subcontractors and the recharge of disbursements.

The following information relating to the policy of Harrisons is considered to be relevant -

## **2. CHARGE OUT RATES**

With effect from 1 April 2009 the following hourly charge out rates apply to all assignments undertaken by Harrisons:-

	£
Directors	300-400
Managers	200-275
Senior Case Supervisors	175-200
Case Supervisors	100-160
Assistants	75-100

## **3. STAFF ALLOCATION, SUPPORT STAFF & THE USE OF SUBCONTRACTORS**

We take an objective and practical approach to each assignment which includes active director involvement from the outset. Other members of staff will be assigned on the basis of experience and specific skills to match the needs of the case. Time spent by secretarial and other support staff on specific case related matters, e.g. report despatching, is charged. Details of any subcontractor(s) used are given in the attached report.

## **4. PROFESSIONAL ADVISORS**

Details of any professional advisor(s) used are given in the attached report. Unless otherwise indicated the fee arrangement for each will be based on hourly charge out rates, which are reviewed on a regular basis, together with the recovery of relevant disbursements.

The choice of professional advisors will be based around a number of factors including, but not restricted to, their expertise in a particular field, the complexity or otherwise of the assignment and their geographical location.

## **5. DISBURSEMENTS**

Specific expenditure relating to the administration of a particular case is recoverable without approval and is referred to as a "category 1 disbursements". Category 1 disbursements will generally comprise supplies of incidental services specifically identifiable to the case, typical for items such as identifiable telephone calls, postage, case advertising, invoiced travel and properly reimbursed expenses. Included will be services specific to the case where these cannot practically be provided internally such as printing, room hire and document storage.

Where we propose 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 us) they must be disclosed and be authorised by those responsible for approving the insolvency practitioners' remuneration. Such expenditure is referred to as a "category 2 disbursement". The following items of expenditure are recharged on this basis and are believed to be in line with the cost of external provision -

Photocopying	15p a sheet
Letterhead	12p a sheet
Fax	40p a sheet
Mileage	65p per mile
Meeting Room	£50
Registered Office Fee	£60 per annum
Document Storage	Storage charge of £3 per box per quarter

## **A CREDITORS' GUIDE TO ADMINISTRATORS' FEES 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, explain the basis on which fees are fixed and how creditors can seek information about expenses incurred by the administrator and challenge those they consider to be excessive.

### **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 remuneration**

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

- as a percentage of the value of the property which the administrator has to deal with,
- by reference to the time properly given by the administrator and his staff in attending to matters arising in the administration, 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 administrator. Where the remuneration is fixed as a percentage, different percentages may be used for different things done by the administrator.

It is for the creditors' 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, and where it is a set amount, to determine that amount. 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 (and provided the circumstances described in paragraph 4.3 do not apply), the administrator's remuneration may be fixed by a resolution of a meeting of creditors having regard to the same matters as apply in the case of the committee. If the remuneration is not fixed in any of these ways, it will be fixed by the court on application by the administrator, but the administrator 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.

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. Review of remuneration**

5.1 Where there has been a material and substantial change in circumstances since the basis of the administrator's remuneration was fixed, the administrator 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 Approval of pre-administration costs**

6.1 Sometimes the administrator may need to seek approval for the payment of costs in connection with preparatory work incurred before the company went into administration but which remain unpaid. Such costs may relate to work done either by the administrator or by another insolvency practitioner. Details of such costs must be included in the administrator's proposals.

6.2 Where there is a creditors' committee, it is for the committee to determine whether, and to what extent, such costs should be approved for payment. If there is no committee or the committee does not make the necessary determination, or if it does but the administrator, or other insolvency practitioner who has incurred pre-administration costs, considers the amount agreed to be insufficient, approval may be given by a meeting of creditors. Where the circumstances described in paragraph 4.3 apply, the determination may be made by the same creditors as approve the administrator's remuneration.

6.3 The administrator must convene a meeting of the committee or the creditors for the purposes of approving the payment of pre-administration costs if requested to do so by another insolvency practitioner who has incurred such costs. If there is no determination under these provisions, or if there is but the administrator or other insolvency practitioner considers the amount agreed to be insufficient, the administrator may apply to the court for a determination.

## **7 What information should be provided by the administrator?**

### **7.1 When seeking remuneration approval**

7.1.1 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

7.1.2 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 principles, which are likely to be involved on the case.

7.1.3 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

- Manager
- 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.

7.1.4 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.

### **7.2 After remuneration 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 (see further paragraph 8.1 below). Where the fee is based on time costs he should also provide details of the time spent and charge-out value to date and any material changes in the rates charged for the various grades since the resolution was first passed. He should also provide such additional information as may be required in accordance with the principles set out in paragraph 7.1.3. Where the fee is charged on a percentage basis the administrator should provide the details set out in paragraph 7.1.4 above regarding work which has been sub-contracted out.

## **7.3 Disbursements and other expenses**

There is no statutory requirement for the committee or the creditors to approve the drawing of expenses or disbursements, but there is provision for the creditors to challenge them, as described below. Professional guidance issued to insolvency practitioners requires that, where the 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.

## **8 Progress reports and requests for further information**

8.1 The administrator is required to send a progress report to creditors at 6-monthly intervals. The report must include -

- details of the basis fixed for the remuneration of the administrator (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 administrator during the period of the report, irrespective of whether payment was actually made during that period,
- the date of approval of any pre-administration costs and the amount approved,
- a statement of the creditors' rights to request further information, as explained in paragraph 8.2, and their right to challenge the administrator's remuneration and expenses

8.2 Within 21 days of receipt of a progress report a creditor may request the administrator to provide further information about the remuneration and expenses (other than pre-administration costs) 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.

8.3 The administrator 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 administration or might be expected to lead to violence against any person, or
- the administrator 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 administrator's refusal to provide the requested information, or the expiry of the 14 days time limit for the provision of the information.

## 9. Provision of information – additional requirements

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

## 10. What if a creditor is dissatisfied?

10.1 If a creditor believes that the administrator's remuneration is too high, the basis is inappropriate, or the expenses incurred by the administrator are in all the circumstances excessive he may, provided certain conditions are met, apply to the court.

10.2 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 him) agree, or he has the permission of the court. Any such application must be made within 8 weeks of the applicant receiving the administrator's progress report in which the charging of the remuneration or incurring of the expenses in question is first reported (see paragraph 8.1 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 administrator a copy of the application and supporting evidence at least 14 days before the hearing.

10.3 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 as an expense of the administration.

## 11. What if the administrator is dissatisfied?

11.1 If the administrator considers that the remuneration fixed by the creditors' committee 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 committee or the creditors 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 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.

## 12. Other matters relating to remuneration

12.1 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.

12.2 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.

12.3 If a new administrator 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 administrator until a further determination, resolution or court order is made.

12.4 Where the basis of the remuneration is a set amount, and the administrator 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 administrator. The application must be made to the same body as approved the remuneration. Where the outgoing administrator and the incoming administrator are from the same firm, they will usually agree the apportionment between them.

## 13. Effective date

This guide applies where a company enters administration on or after 6 April 2010, except where

- the application for an administration order was made before that date, or
- where the administration was preceded by a liquidation which commenced before that date.