

**Liquidators' Progress
Report****S.192****Pursuant to Sections 92A and 104A and 192
of the Insolvency Act 1986**

To the Registrar of Companies

Company Number

01884217

Name of Company

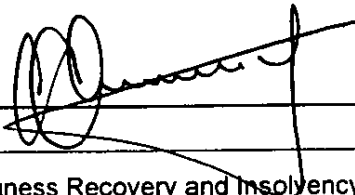
IST Limited

I / We

David Clements, 2nd Floor, 33 Blagrove Street, Reading RG1 1PWPaul Boyle, 2nd Floor, 33 Blagrove Street, Reading RG1 1PWthe liquidator(s) of the company attach a copy of my/our Progress Report
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 22/02/2013 to 21/02/2014

Signed



Date

16.4.14

Harrisons Business Recovery and Insolvency Limited
2nd Floor
33 Blagrove Street
Reading
RG1 1PW

Ref ISTLI001/DC/PRB/JWH/NF/TW/CLF

SATURDAY

A17 *A365ZKA1* 19/04/2014 #248
COMPANIES HOUSE

IST Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments

Statement of Affairs		From 22/02/2013 To 21/02/2014
ASSET REALISATIONS		
50 00	Plant & Machinery	250 00
50 00	Computer Equipment	250 00
Uncertain	Ongoing Contracts	NIL
10,924 00	Book Debts	13,710 00
Uncertain	Inter-Company Debt	NIL
1,779 00	Cash at Bank	3,455 52
	Bank Interest Gross	27 32
		<u>17,692 84</u>
COST OF REALISATIONS		
	Bordereau	50 00
	Statement of Affairs Fee	5,000 00
	Liquidators Remuneration	9,000 00
	Search Costs	11 00
	Agents/Valuers Fees (1)	400 00
	Corporation Tax	5 40
	Statutory Advertising	223 89
		<u>(14,690 29)</u>
PREFERENTIAL CREDITORS		
(20,527 00)	Employee Arrears/Hol Pay	NIL
		<u>NIL</u>
UNSECURED CREDITORS		
(35,614 00)	Trade & Expense Creditors	NIL
(831,617 00)	Employees	NIL
(3,625 00)	Landlord	NIL
(84,610 00)	Directors Loan Account	NIL
(7,095 00)	HM Revenue & Customs - PAYE/NI	NIL
(31,141 00)	Associated Company Debt	NIL
		<u>NIL</u>
DISTRIBUTIONS		
(38,300 00)	Ordinary Shareholders	NIL
		<u>NIL</u>
<u>(1,039,726.00)</u>		<u><u>3,002.55</u></u>
REPRESENTED BY		
	Bank 2 Current	65 57
	Vat Control Account	2,936 98
		<u><u>3,002.55</u></u>

Joint Liquidators' Annual Progress Report to Creditors & Members

**IST Limited - In
Liquidation**

16 April 2014

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1 Introduction and Statutory Information

- 1 1 I, David Clements, together with Debbie Harvey, of Harrisons Business Recovery and Insolvency Limited, 2nd Floor, 33 Blagrove Street, Reading, RG1 1PW, was appointed as Joint Liquidator of IST Limited ('the **Company**') on 22 February 2013. This report provides an update on the progress in the liquidation for the year ended 21 February 2014.
- 1 2 Following a Block Transfer Order made on 12 September 2013, Debbie Harvey was replaced as Joint Liquidator of the Company by Paul Boyle, an Insolvency Practitioner, of Harrisons Business Recovery and Insolvency Limited.
- 1 3 The principal trading address of the Company was Building L14 South, University of Reading, London Road, Reading, RG1 5AQ.
- 1 4 The registered office of the Company has been changed to 2nd Floor, 33 Blagrove Street, Reading, RG1 1PW and its registered number is 01884217.

2 Realisation of Assets

- 2 1 Attached at Appendix A is my Receipts and Payments Account for the period from 22 February 2013 to 21 February 2014.

2 2 *Plant and Machinery*

You will recall that the Company owned office furniture and equipment, which was noted in its accounts as 'Plant and Machinery', and ascribed an estimated to realise value of £50.

I can confirm that items of the office furniture has been sold, and the sum of £250 has been realised in this matter.

2 3 *Computer Equipment*

The Company owned computer equipment valued at £1,347 as per its final reported accounts. It was expected that in a forced sale the sum of £50 would be realisable.

I can confirm that the computer equipment has been sold for £250.

2 4 ***Ongoing Contracts***

The Company operated a number of contracts for software maintenance and upgrades. No value was attributed to the contracts at the time of Liquidation as we were unable to ascertain what, if any, value could be attributed to them.

Following our appointment, it became apparent that it was necessary to finalise work to collect a large book debt. In order to allow this the maintenance contract was novated to a company undertaking to complete the work, and the book debt was collected. Without the novation of the contract, the funds received from the collection of the Company's book debts would have been greatly reduced.

The Company also had 'preferred supplier' status with Vodafone plc. We were approached by a third party with the possibility of selling this as part of a package, however following our enquiries into the matter and meeting with the potential purchaser it became apparent that we were not able to sell the status to another party.

2 5 ***Book Debts***

At the date of appointment the sum of £15,605 was thought to be outstanding to the Company. A provision of 30% was made against bad debts and therefore £10,924 was estimated to be realised.

During the currency of the Liquidation the sum of £13,710 has been received directly into the Liquidation. The outstanding balance of collectable book debts was received prior to our appointment, and has been recorded as cash at bank.

There are no further book debts to collect.

2 6 ***Intercompany Debt***

You will recall that the last accounts show the sum of £87,958 is outstanding to the Company from an American subsidiary, Pacific Imperial Incorporated.

We are investigating the nature of this debt, and taking solicitors advice, where necessary, to ascertain what realisations can be made. I will report further on this matter in my next report.

2 7 ***Cash at Bank***

At the date of appointment the sum of £1,779 was thought to be held in the Company's account. However prior to the meeting of creditors, and as reported above, a book debt was paid into the account, therefore we have received the sum of £3,456 in this regard.

- 2 8 In accordance with Statement of Insolvency Practice 13 (SIP13), I would advise you that the following assets were sold to a Director of the Company

Date of transaction	Asset involved and nature of transaction	Consideration Paid and Date	Sold to	Relationship
8 March 2013	Plant and Machinery, Computer Equipment, Ongoing Contracts	£500, and collection of book debt	Lambert Associates	Associated Company

3 Investigations

- 3 1 In accordance with the Company Directors Disqualification Act 1986 I have submitted a report on the conduct of the Directors of the Company to the Department for Business Innovation & Skills ('BIS') As this is a confidential report, I am not able to disclose the contents
- 3 2 Shortly after appointment, I made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate This assessment took into account information provided by creditors either at the initial meeting or as a response to my request to complete an investigation questionnaire My investigations have not revealed any issues requiring further report

4 Creditors

4 1 *Preferential Creditors*

A summary of preferential claims is detailed below

Preferential claim	Recoverable Claim (£)	Statement of Affairs Claim (£)
Employee claims	20,527	20,527

4 2 *Unsecured Creditors*

I have received claims totalling £216,643 from 6 creditors I have yet to receive claims from 8 creditors whose debts total £34,766 40 as per the directors' statement of affairs

The prospect of a dividend to unsecured creditors is currently uncertain

5 Liquidators' Remuneration

- 5 1 The Creditors approved that the basis of the Liquidators' remuneration be fixed by reference to the time properly spent by him and his staff in managing the Liquidation

5.2 My time costs for the period from 22 February 2013 are £15,603. This represents 77.87 hours at an average rate of £200.37 per hour. Attached as Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during this period in respect of the costs fixed by reference to time properly spent by me in managing the Liquidation. To date, £9,000 plus disbursements of £690 has been drawn on account.

5.3 Attached as Appendix C is additional information in relation to this firm's policy on staffing, the use of subcontractors, disbursements and details of our current charge-out rates by staff grade and a copy of 'A Creditors' Guide to Liquidators' Fees'.

5.4 Since the date of appointment the following Category 2 disbursements have been taken:

- Company Searches £11

6 Liquidators' Expenses

The following expenses have been incurred since my appointment as Liquidator:

Supplier / Service Provider	Nature of expense incurred	Amount incurred to date £	Paid to date £	Amount Outstanding £
Winterhill Largo	Agents/Valuers Costs	400.00	400.00	Nil
Hamsons	Postage and Stationary	20.21	Nil	20.21
Hamsons	Bordereau	60.00	50.00	10.00
Hamsons	Statutory Advertising	223.89	223.89	Nil
Hamsons	Company Searches	20.00	11.00	9.00

7 Creditors' Rights

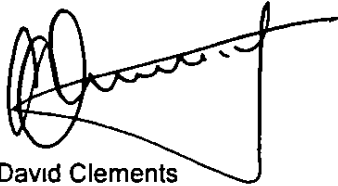
7.1 Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may request in writing that the Liquidator provide further information about his remuneration or expenses which have been itemised in this progress report.

7.2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to court on the grounds that, in all the circumstances, the basis fixed for the Liquidator's remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the Liquidator, as set out in this progress report, are excessive.

8 Next Report

- 8.1 I am required to provide a further report on the progress of the liquidation within two months of the next anniversary of the liquidation, unless I have concluded matters prior to this, in which case I will write to all creditors with my final progress report ahead of convening the final meeting of creditors

Yours faithfully

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

David Clements
Joint Liquidator

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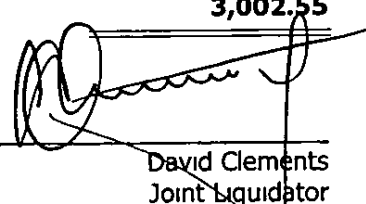
Appendix A

RECEIPTS AND PAYMENTS ACCOUNT FROM 22 FEBRUARY 2013

TO 21 FEBRUARY 2014

IST Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments
To 21/02/2014

S of A £		£	£
	ASSET REALISATIONS		
50.00	Plant & Machinery	250.00	
50.00	Computer Equipment	250.00	
Uncertain	Ongoing Contracts	NIL	
10,924.00	Book Debts	13,710.00	
Uncertain	Inter-Company Debt	NIL	
1,779.00	Cash at Bank	3,455.52	
	Bank Interest Gross	27.32	
			17,692.84
	COST OF REALISATIONS		
	Bordereau	50.00	
	Statement of Affairs Fee	5,000.00	
	Liquidators Remuneration	9,000.00	
	Search Costs	11.00	
	Agents/Valuers Fees (1)	400.00	
	Corporation Tax	5.40	
	Statutory Advertising	223.89	
			(14,690.29)
	PREFERENTIAL CREDITORS		
(20,527.00)	Employee Arrears/Hol Pay	NIL	
			NIL
	UNSECURED CREDITORS		
(35,614.00)	Trade & Expense Creditors	NIL	
(831,617.00)	Employees	NIL	
(3,625.00)	Landlord	NIL	
(84,610.00)	Directors Loan Account	NIL	
(7,095.00)	HM Revenue & Customs - PAYE/NI	NIL	
(31,141.00)	Associated Company Debt	NIL	
			NIL
	DISTRIBUTIONS		
(38,300.00)	Ordinary Shareholders	NIL	
			NIL
(1,039,726.00)			3,002.55
	REPRESENTED BY		
	Bank 2 Current		65.57
	Vat Control Account		2,936.98
			3,002.55


David Clements
Joint Liquidator

Appendix B

TIME ANALYSIS FOR THE PERIOD 22 FEBRUARY 2013 TO 21

FEBRUARY 2014

Time Entry - Detailed SIP9 Time & Cost Summary

ISTL001 - IST Limited
From 22/02/2013 To 21/02/2014
Project Code POST

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
100 Administration & Planning	0.00	0.00	1.40	3.50	4.90	667.50	136.22
101 Case planning	5.00	0.20	0.30	0.00	5.50	1,862.00	338.55
103 Appointment notification	1.00	0.00	0.00	0.00	1.00	350.00	350.00
104 Maintenance of records	0.00	0.00	0.00	0.40	0.40	40.00	100.00
105 Statutory reporting	0.00	1.00	8.80	3.00	12.80	2,185.00	170.70
106 Cashiering	0.00	0.00	0.00	3.92	3.92	548.33	140.00
107 Bordereau	0.00	0.10	0.00	0.50	0.60	77.50	129.17
108 Case Review / Diary	0.20	0.15	0.90	0.00	1.25	281.25	225.00
109 Dealing with Debtor / Directors	0.70	0.00	4.00	0.00	4.70	1,011.00	215.11
112 Dealing with Existing Advisors	0.00	0.00	1.20	0.00	1.20	210.00	175.00
113 Dealing with Directors	0.00	0.00	0.60	0.00	0.60	114.00	190.00
122 Prior Review and Signing	1.40	0.00	0.00	0.00	1.40	490.00	350.00
123 Appt Holder VAT and Tax Returns	0.00	0.00	0.00	0.60	0.60	84.00	140.00
125 Statutory meetings	1.00	0.00	2.50	0.00	3.50	787.50	225.00
Administration & Planning	9.30	1.45	19.70	11.92	42.37	8,708.08	205.64
500 Creditors	0.10	0.20	0.00	0.50	0.80	140.00	175.00
501 Communication with creditors	0.00	0.00	2.20	0.00	2.20	391.00	177.73
502 Employee Claims	0.00	0.20	0.80	3.90	4.90	585.00	119.39
Creditors	0.10	0.40	3.00	4.40	7.90	1,116.00	141.27
202 CDDA reports	0.00	0.00	3.70	0.00	3.70	703.00	190.00
Investigations	0.00	0.00	3.70	0.00	3.70	703.00	190.00
300 Realisation of assets	2.60	4.00	11.20	0.60	18.40	4,030.00	219.02
303 Debt collection	0.00	0.00	2.00	0.00	2.00	380.00	190.00
307 Other Assets	0.00	0.00	3.50	0.00	3.50	665.00	190.00
Realisations of Assets	2.60	4.00	16.70	0.60	23.90	5,075.00	212.34
Total Hours	12.00	5.65	43.10	16.92	77.67	15,602.08	200.37
Total Fees Claimed						9,000.00	

Appendix C

ADDITIONAL INFORMATION IN RELATION TO LIQUIDATORS' FEES

PURSUANT TO STATEMENT OF INSOLVENCY PRACTICE 9 (SIP9)

Harrisons Business Recovery and Insolvency Limited Fee Policy

1. 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 Business Recovery and Insolvency Limited is considered to be relevant -

2. Charge out rates

The following hourly charge out rates apply to all assignments undertaken by Harrisons Business Recovery and Insolvency Limited -

	2012/2013	2013/2014
	£	£
Directors	300 – 500	305 – 550
Managers	250 – 350	250 – 350
Senior Case Supervisors	175 – 250	175 – 250
Case Supervisors	100 – 200	125 – 205
Assistants/Trainee Case Supervisors	75 – 150	100 – 150

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 "category 1 disbursements". Category 1 disbursements will generally comprise supplies of incidental services specifically identifiable to the case, typically 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 LIQUIDATORS' FEES ENGLAND AND WALES

1 Introduction

1.1 When a company goes into liquidation the costs of the proceedings are paid out of its assets. The creditors, who hope to recover some of their debts out of the assets, therefore have a direct interest in the level of costs, and in particular the remuneration of the insolvency practitioner appointed to act as liquidator. The insolvency legislation recognises this interest by providing mechanisms for creditors to fix the basis of the liquidator's fees. This guide is intended to help creditors be aware of their rights to approve and monitor fees, explains the basis on which fees are fixed and how creditors can seek information about expenses incurred by the liquidator and challenge those they consider to be excessive.

2 Liquidation procedure

2.1 Liquidation (or 'winding up') is the most common type of corporate insolvency procedure. Liquidation is the formal winding up of a company's affairs entailing the realisation of its assets and the distribution of the proceeds in a prescribed order of priority. Liquidation may be either voluntary, when it is instituted by resolution of the shareholders, or compulsory, when it is instituted by order of the court.

2.2 Voluntary liquidation is the more common of the two. An insolvent voluntary liquidation is called a creditors' voluntary liquidation (often abbreviated to 'CVL'). In this type of liquidation an insolvency practitioner acts as liquidator throughout and the creditors can vote on the appointment of the liquidator at the first meeting of creditors.

2.3 In a compulsory liquidation on the other hand, the function of liquidator is, in most cases, initially performed not by an insolvency practitioner but by an official called the official receiver. The official receiver is an officer of the court and an official belonging to The Insolvency Service. In most compulsory liquidations, the official receiver becomes liquidator immediately on the making of the winding-up order. Where there are significant assets an insolvency practitioner will usually be appointed to act as liquidator in place of the official receiver, either at a meeting of creditors convened for the purpose or directly by The Insolvency Service on behalf of the Secretary of State. Where an insolvency practitioner is not appointed the official receiver remains liquidator.

2.4 Where a compulsory liquidation follows immediately on an administration the court may appoint the former administrator to act as liquidator. In such cases the official receiver does not become liquidator. An administrator may also subsequently act as liquidator in a CVL.

3 The liquidation committee

3.1 In a liquidation (whether voluntary or compulsory) the creditors have the right to appoint a committee called the liquidation committee, with a minimum of 3 and a maximum of 5 members, to monitor the conduct of the liquidation and approve the liquidator's fees. The committee is usually established at the creditors' meeting which appoints the liquidator, but in cases where a liquidation follows immediately on an administration any committee established for the purposes of the administration will continue in being as the liquidation committee.

3.2 The liquidator must call the first meeting of the committee within 6 weeks of its establishment (or his appointment if that is later), and subsequent meetings must be held either at specified dates agreed by the committee, or when requested by a member of the committee, or when the liquidator decides he needs to hold one. The liquidator is required to report to the committee at least every 6 months on the progress of the liquidation, unless the committee directs otherwise. This provides an opportunity for the committee to monitor and discuss the progress of the insolvency and the level of the liquidator's fees.

4 Fixing the liquidator's remuneration

4.1 The basis for fixing the liquidator's remuneration is set out in Rules 4.127 – 4.127B of the Insolvency Rules 1986. The Rules state that the remuneration shall be fixed:

- as a percentage of the value of the assets which are realised or distributed or both,
- by reference to the time properly given by the liquidator and his staff in attending to matters arising in the liquidation, or
- as a set amount.

Any combination of these bases may be used to fix the remuneration, and different bases may be used for different things done by the liquidator. Where the remuneration is fixed as a percentage, different percentages may be used for different things done by the liquidator. It is for the liquidation committee (if there is one) to determine on which of these bases, or combination of bases, the remuneration is to be fixed. Where it is fixed as a percentage, it is for the committee to determine the percentage or percentages to be applied. Rule 4.127 says that in arriving at its decision the committee shall have regard to the following matters:

- the complexity (or otherwise) of the case,
- any responsibility of an exceptional kind or degree which falls on the liquidator in connection with the insolvency,
- the effectiveness with which the liquidator appears to be carrying out, or to have carried out, his duties,
- the value and nature of the assets which the liquidator has to deal with.

4.2 If there is no liquidation committee, or the committee does not make the requisite determination, the liquidator's remuneration may be fixed by a resolution of a meeting of creditors. The creditors take account of the same matters as apply in the case of the committee. A resolution specifying the terms on which the liquidator is to be remunerated may be taken at the meeting which appoints the liquidator.

4.3 If the remuneration is not fixed as above, it will be fixed in one of the following ways. In a CVL, it will be fixed by the court on application by the liquidator, but the liquidator may not make such an application unless he has first tried to get his remuneration fixed by the committee or creditors as described above, and in any case not later than 18 months after his appointment. In a compulsory liquidation, it will be in accordance with a scale set out in the Rules.

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

5 Review of remuneration

Where there has been a material and substantial change in circumstances since the basis of the liquidator's remuneration was fixed, the liquidator may request that it be changed. The request must be made to the same body as initially approved the remuneration, and the same rules apply as to the original approval.

6 What information should be provided by the liquidator?

6.1 When fixing bases of remuneration

6.1.1 When seeking agreement for the basis or bases of remuneration, the liquidator should provide sufficient supporting information to enable the committee or the creditors to make an informed judgement as to whether the basis sought is appropriate having regard to all the circumstances of the case. The nature and extent of the information provided will depend on the stage during the conduct of the case at which approval is being sought. The appendix to this guide sets out a suggested format for the provision of information.

6.1.2 If any part of the remuneration is sought on a time costs basis, the liquidator should provide details of the minimum time units used and current charge-out rates, split by grades of staff, of those people who have been or who are likely to be involved in the time costs aspects of the case.

6.1.3 The liquidator should also provide details and the cost of any work that has been or is intended to be sub-contracted out that could otherwise be carried out by the liquidator or his or her staff.

6.1.4 If work has already been carried out, the liquidator should state the proposed charge for the period to date and provide an explanation of what has been achieved in the period and how it was achieved, sufficient to enable the progress of the case to be assessed and whether the proposed charge is reasonable in the circumstances of the case. Where the proposed charge is calculated on a time costs basis, the liquidator should disclose the time spent and the average charge-out rates, in larger cases split by grades of staff and analysed by appropriate activity. The liquidator should also provide details and the cost of any work that has been sub-contracted out that could otherwise be carried out by the liquidator or his or her staff.

6.2 After the bases of remuneration have been fixed

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

The liquidator should also provide details and the cost of any work that has been sub-contracted out that could otherwise be carried out by the liquidator or his or her staff

6.3 Disbursements and other expenses

6.3.1 Costs met by and reimbursed to the liquidator in connection with the liquidation should be appropriate and reasonable. Such costs will fall into two categories

- Category 1 disbursements. These are costs where there is specific expenditure directly referable both to the liquidation and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, and equivalent costs reimbursed to the liquidator or his or her staff
- Category 2 disbursements. These are costs that are directly referable to the liquidation but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the liquidation on a proper and reasonable basis, for example, business mileage

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

6.3.2 The following are not permissible

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

6.4 Realisations for secured creditors

Where the liquidator realises an asset on behalf of a secured creditor and receives remuneration out of the proceeds (see paragraph 11.1 below), he should disclose the amount of that remuneration to the committee (if there is one), to any meeting of creditors convened for the purpose of determining his fees, and in any reports he sends to creditors

7. Progress reports and requests for further information

7.1 The liquidator is required to send annual progress reports to creditors. The reports must include

- details of the basis fixed for the remuneration of the liquidator (or if not fixed at the date of the report, the steps taken during the period of the report to fix it),
- if the basis has been fixed, the remuneration charged during the period of the report, irrespective of whether it was actually paid during that period (except where it is fixed as a set amount, in which case it may be shown as that amount without any apportionment for the period of the report),
- if the report is the first to be made after the basis has been fixed, the remuneration charged during the periods covered by the previous reports, together with a description of the work done during those periods, irrespective of whether payment was actually made during the period of the report,
- a statement of the expenses incurred by the liquidator during the period of the report, irrespective of whether payment was actually made during that period,
- a statement of the creditors' rights to request further information, as explained in paragraph 7.2, and their right to challenge the liquidator's remuneration and expenses

7.2 Within 21 days of receipt of a progress report (or 7 business days where the report has been prepared for the purposes of a meeting to receive the liquidator's resignation) a creditor may request the liquidator to provide further information about the remuneration and expenses set out in the report. A request must be in writing, and may be made either by a secured creditor, or by an unsecured creditor with the concurrence of at least 5% in value of unsecured creditors (including himself) or the permission of the court.

7.3 The liquidator must provide the requested information within 14 days, unless he considers that

- the time and cost involved in preparing the information would be excessive, or
- disclosure would be prejudicial to the conduct of the liquidation or might be expected to lead to violence against any person, or
- the liquidator is subject to an obligation of confidentiality in relation to the information requested, in which case he must give the reasons for not providing the information. Any creditor may apply to the court within 21 days of the liquidator's refusal to provide the requested information, or the expiry of the 14 days time limit for the provision of the information

8. Provision of information – additional requirements

The liquidator must provide certain information about the time spent on the case, free of charge, upon request by any creditor, director or shareholder of the company. The information which must be provided is –

- the total number of hours spent on the case by the liquidator or staff assigned to the case,
- for each grade of staff, the average hourly rate at which they are charged out,
- the number of hours spent by each grade of staff in the relevant period

The period for which the information must be provided is the period from appointment to the end of the most recent period of six months reckoned from the date of the liquidator's appointment, or where he has vacated office, the date that he vacated office

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

9. What if a creditor is dissatisfied?

9.1 Except in cases where there is a liquidation committee it is the creditors as a body who have authority to approve the liquidator's fees. To enable them to carry out this function they may require the liquidator to call a creditors' meeting. In order to do this at least ten per cent in value of the creditors must concur with the request, which must be made to the liquidator in writing

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

9.3 Application may be made to the court by any secured creditor, or by any unsecured creditor provided at least 10 per cent in value of unsecured creditors (including himself) agree, or he has the permission of the court. Any such application must be made within 8 weeks of the applicant receiving the liquidator's progress report in which the charging of the remuneration or incurring of the expenses in question is first reported (see paragraph 7.1 above). If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the liquidator a copy of the application and supporting evidence at least 14 days before the hearing

9.4 If the court considers the application well founded, it may order that the remuneration be reduced, the basis be changed, or the expenses be disallowed or repaid. Unless the court orders otherwise, the costs of the application must be paid by the applicant and not out of the assets of the insolvent company

10. What if the liquidator is dissatisfied?

If the liquidator considers that the remuneration fixed by the liquidation committee, or in the preceding administration, is insufficient or that the basis used to fix it is inappropriate he may request that the amount or rate be increased, or the basis changed, by resolution of the creditors. If he considers that the remuneration fixed by the liquidation committee, the creditors, in the preceding administration or in accordance with the statutory scale is insufficient, or that the basis used to fix it is inappropriate, he may apply to the court for the amount or rate to be increased or the basis changed. If he decides to apply to the court he must give at least 14 days' notice to the members of the committee and the committee may nominate one or more of its members to appear or be represented at the court hearing. If there is no committee, the liquidator's notice of his application must be sent to such of the creditors as the court may direct, and they may nominate one or more of their number to appear or be represented. The court may order the costs to be paid out of the assets

11. Other matters relating to remuneration

11.1 Where the liquidator realises assets on behalf of a secured creditor he is entitled to be remunerated out of the proceeds of sale in accordance with a scale set out in the Rules. Usually, however, the liquidator will agree the basis of his fee for dealing with charged assets with the secured creditor concerned

11.2 Where two (or more) joint liquidators are appointed it is for them to agree between themselves how the remuneration payable should be apportioned. Any dispute between them may be referred to the court, the committee or a meeting of creditors

11.3 If the appointed liquidator is a solicitor and employs his own firm to act in the insolvency, profit costs may not be paid unless authorised by the committee, the creditors or the court.

11.4 If a new liquidator is appointed in place of another, any determination, resolution or court order which was in effect immediately before the replacement continues to have effect in relation to the remuneration of the new liquidator until a further determination, resolution or court order is made.

11.5 Where the basis of the remuneration is a set amount, and the liquidator ceases to act before the time has elapsed or the work has been completed for which the amount was set, application may be made for a determination of the amount that should be paid to the outgoing liquidator. The application must be made to the same body as approved the remuneration. Where the outgoing liquidator and the incoming liquidator are from the same firm, they will usually agree the apportionment between them.

11.6 There may also be occasions when creditors will agree to make funds available themselves to pay for the liquidator to carry out tasks which cannot be paid for out of the assets, either because they are deficient or because it is uncertain whether the work undertaken will result in any benefit to creditors. Arrangements of this kind are sometimes made to fund litigation or investigations into the affairs of the insolvent company. Any arrangements of this nature will be a matter for agreement between the liquidator and the creditors concerned and will not be subject to the statutory rules relating to remuneration.

12 Effective date

This guide applies where a company goes into liquidation on or after 1 November 2011.

Appendix

Suggested format for the provision of information

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

Narrative overview of the case

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

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

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

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

Time cost basis

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

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

It is useful to provide time spent and charge-out value information in a tabular form for each of the time periods reported upon, with work classified (and subdivided) in a way relevant to the circumstances of the case.

The following areas of activity are suggested 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:

- Director
- Manager
- Other senior professionals
- Assistants and support staff

The level of disclosure suggested above will not be appropriate in all cases, and considerations of proportionality will apply:

- where cumulative time costs are, and are expected to be, less than £10,000 the liquidator should, as a minimum, state the number of hours and average rate per hour and explain any unusual features of the case,
- where cumulative time costs are, or are expected to be, between £10,000 and £50,000, a time and charge-out summary similar to that shown above will usually provide the appropriate level of detail (subject to the explanation of any unusual features),
- where cumulative time costs exceed, or are expected to exceed, £50,000, further and more detailed analysis or explanation will be warranted.