

The Insolvency Act 1986

**Administrators' progress report****2.24B**

Name of Company Night Realisations plc	Company number 02189427
In the High Court of Justice  [full name of court]	Court case number 1638 of 2013

(a) Insert full name(s)  
and address(es) of  
administrator(s)

I / We (a) Alan Michael Hudson, Craig Anthony Lewis and Joseph Michael O'Connor  
Ernst & Young LLP, 1 More London Place, London, SE1 2AF

administrator(s) of the above company attach a progress report for the period

from	to
(b) <u>12 January 2017</u>	(b) <u>11 July 2017</u>

(b) Insert date

Signed

*CA Lewis*

Joint Administrator

Dated

13 September 2017**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 public record

Sophie Hyde	
Ernst & Young LLP, 1 More London Place, London, SE1 2AF	
	Tel: 0207 951 1856
DX Number:	DX Exchange:

When you have completed and signed this form please send it to the Registrar of Companies at:

Companies House, Crown Way, Cardiff, CF14 3UZ

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COMPANIES HOUSE

**Night Realisations plc (In Administration) formerly  
Dreams plc (In Administration) (“the Company”)**

**Joint Administrators’ progress report**

**13 September 2017**

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## **1. Introduction**

I write, in accordance with Rule 2.112 of the Insolvency Rules 1986, to provide creditors with a report on the progress of the Administration. This report covers the period from 12 January 2017 to 11 July 2017 and should be read in conjunction with my letter of 12 March 2013 ("the SIP 16 letter"), the Joint Administrators' Proposals dated 26 April 2013 ("the Proposals") and my previous progress reports. Copies of these documents are available at:

<http://www.nightrealisationsplcinadministration.co.uk>

### **1.1 Night Realisations plc (formerly Dreams plc)**

High Court of Justice, Chancery Division, Number 1638 of 2013

Registered office address: c/o Ernst & Young LLP, 1 More London Place, London, SE1 2AF

Registered number: 02189427

Night Realisations plc entered Administration on 5 March 2013 and AM Hudson, JM O'Connor and CA Lewis of Ernst & Young LLP, 1 More London Place, London, SE1 2AF were appointed as Joint Administrators ("the Administrators"). The appointment was made by The Royal Bank of Scotland plc as Security Trustee on behalf of the Company's lenders under the provisions of paragraph 14(1) of Schedule B1 to the Insolvency Act 1986. Under the terms of the appointment, any act required or authorised to be done by the Administrators can be done by any of them.

### **1.2 Extensions to the initial period of Administration**

In accordance with paragraph 76(2)(b) of Schedule B1 to the Insolvency Act 1986 ("the Act"), the Administrators' term of office was initially extended for a period of six months to 4 September 2014 by consent.

The Administrators made an application to court, in accordance with paragraph 76(2)(a) of Schedule B1 to the Act, for an order to extend the Administration further. An order was granted on 7 August 2014, extending the Administration for a period of 12 months to 4 September 2015. A further extension was granted by the court in accordance with paragraph 76(2)(a) of Schedule B1 to the Act, extending the Administration for a period of 18 months to 4 March 2017. An extension was granted by the court in accordance with paragraph 76(2)(a) of Schedule B1 to the Act, extending the Administration further for a period of 12 months to 4 March 2018.

## **2. Summary of Progress since the February 2017 Report**

The background and circumstances leading up to the appointment of the Administrators are detailed in the Proposals.

### **2.1 Sale of the business**

As previously advised, the business and certain assets of the Company were sold to Dreams Limited ("the Purchaser") on 5 March 2013. Further details relating to the sale can be found in the SIP16 letter and the Proposals.

#### **2.1.1 Premises transferred to the Purchaser**

The Administrators granted the Purchaser a licence to occupy 171 stores to facilitate the continuation of trade in these stores, pending discussions between the Purchaser and the landlords regarding ongoing occupation. As at 21 August 2017:

- ▶ 143 of these stores have been formally assigned to the Purchaser;
- ▶ 27 of these stores the Purchaser has served notice to terminate the licence to occupy; and
- ▶ 1 remaining store is being negotiated with landlords.

The Administrators are continuing to pay rent, insurance and service charges for the one remaining store which the Administrators have granted a licence to occupy but has not been formally assigned to, or vacated by, the Purchaser.

Where the Purchaser has given notice to terminate the licence to occupy, the Administrators have notified the respective landlords and offered an informal surrender of the lease.

#### **2.1.2 Premises not transferred**

As described in the Proposals, 95 stores which were excluded from the sale agreement remained open until 24 March 2013 to facilitate the clearance of stock on behalf of the Purchaser. This also gave the Administrators the opportunity to market the sites for sale, thereby reducing landlords and employees claims. The Administrators were unable to complete a sale or transfer of these 95 stores for the reasons set out in the Proposals, and therefore exited these stores prior to the rent quarter date on 25 March 2013. At the time of writing this report, 55 landlords have agreed a surrender of the leases held.

### **2.2 Other Assets**

#### **2.2.1 Non domestic rates**

Rapleys LLP has been instructed on a success fee basis to appeal the rateable values across the entire portfolio. These appeals are ongoing and are likely to continue until the end of the Administration. Monies received in respect of these appeals total £1,148,886.85 for the period 5 March 2013 to 11 July 2017.

### **2.2.2 Book debts**

The Company has a £0.7m claim against Arrow Excel Limited ("Arrow"), formerly Yodel XL Limited, for damaged stock which is currently held at their depot in Wigan. The Directors have estimated that £0.2m may be recoverable in this regard. As previously advised, the Administrators have contacted Arrow in order to recover and realise this stock. Arrow is claiming that the legal title to the damaged stock, which they have confirmed is still being held at their depot in Wigan, does not sit with the Company and was transferred to the Purchaser upon completion. We previously met with the Purchaser to agree a strategy to clarify the situation and agreed that they would write to Arrow separately to confirm what was included in the sale to the Purchaser.

Arrow continue to refute any claim made against their company and the Joint Administrators have been advised that any further action would require legal assistance. Having considered the cost implication versus the chance of success, a decision has been made that no further action will be taken.

### **3. Receipts and Payments Account**

I enclose a receipts and payments account for the period from 12 January 2017 to 11 July 2017 at Appendix A. Please note that this does not reflect future realisations or costs.

## **4. Outcome for creditors**

### **4.1 Secured creditors**

As outlined in the Proposals, the Company had secured borrowings of c£69.3m from a banking syndicate comprising:

- ▶ The Royal Bank of Scotland plc;
- ▶ Barclays Bank plc;
- ▶ Portigon AG; and
- ▶ AXA Private Equity

(collectively the "Senior Lenders").

Approximately £51.9m was owed at the date of appointment in respect of the first ranking security. A further £17.4m was due to AXA Private Equity for a Mezzanine facility. The sale proceeds provided for full recovery of the Company's £3m revolving supplier finance facility and £2m letter of credit facility which reduced the debt due to the Senior Lenders accordingly.

An initial distribution of £28.0m was paid to the Senior Lenders on 12 March 2013. A subsequent dividend of £2.0m was paid to the Senior Lenders on 7 March 2014, a further dividend of £0.35m was paid on 28 August 2015 and a dividend of £0.25m was paid on 12 January 2017.

The net realisations from the Company's assets will be insufficient to enable the secured creditors to be repaid in full.

### **4.2 Preferential creditors**

We estimate that preferential creditors for outstanding employee wages and holiday pay will total c£170,000. This is stated after the payment of arrears of wages of c£40,000 which were paid as part of the trading expenses in dealing with the premises not transferred to the Purchaser.

We have received a preferential claim of £149,775 from the Redundancy Payments Office ("RPO"). This claim has been subsequently agreed and payment has been made.

We have agreed and paid the residual preferential claims of all those employees who responded to our written request for confirmation of amounts outstanding. The total payment in this regard was £2,925. A number of employees have not responded to our request despite several reminders, and we estimate these claims will total £15,320.

### **4.3 Unsecured creditors**

Non-preferential claims continue to be submitted and a proof of debt form can be found at <http://www.nightrealisationsplcinadministration.co.uk> for unsecured creditors to complete and return to the Administrators. Any completed forms will be passed to a subsequently appointed Liquidator if and when one is appointed, or used by the Administrators should they pay the prescribed part whilst the Company is in Administration.

The Directors' Statement of Affairs estimate that the non-preferential claims for the Company will be in the region of £72.4m. Final claims may be higher due to contingent claims (such as landlord claims) and other non-preferential creditors not included in the Statement of Affairs.



It is not anticipated that there will be sufficient realisations to enable a distribution to the unsecured creditors of the Company other than by virtue of the Prescribed Part, as set out below.

#### **4.3.1 The Prescribed Part**

The prescribed part is a proportion of floating charge assets set aside for unsecured creditors pursuant to section 176A of the Insolvency Act 1986. The prescribed part applies to floating charges created on or after 15 September 2003.

The Administrators estimate, to the best of their knowledge and belief, that the value of the Company's net property may be in the region of c£33m, which would equate to the value of the prescribed part being the maximum of £0.6m (before the costs of dealing with the prescribed part). For your information, our latest estimates indicate that any dividend to unsecured creditors of the Company is unlikely to be greater than 1p in the pound.

The Administrators do not currently intend to make an application to the court under section 176A(5) of the Insolvency Act 1986 for an order not to distribute the prescribed part. However, depending upon the final quantification of all unsecured claims, the payment of a dividend in respect of the prescribed part may be uneconomical. The Administrators therefore reserve the right to make such an application to the court in this circumstance.

#### **4.4 Distributions to Creditors**

As stated above, £30.6m has been distributed to the secured creditors. Whilst we anticipate a further distribution to be made in due course, once the asset realisation process and the outstanding costs and expenses have been finalised, we continue to anticipate that there will be a substantial shortfall to the secured creditors based on their indebtedness of £69.3m at the date of our appointment.

As stated above in relation to preferential creditors, payment of c£40,000 was made to employees in respect of arrears of wages, £149,775 was made to the RPO in settlement of its preferential claim, and a further £2,925 was paid directly to employees in settlement of any residual preferential claims.

Since the coming into effect of the Small Business, Enterprise and Employment Act 2015 on 26 May 2015, the Administrators no longer need the court's permission to distribute the prescribed part to unsecured creditors. Accordingly, it is likely that such a distribution will be made whilst the Company remains in Administration. Further information is contained in Section 6 below.

## **5. The Administrators' Remuneration and Expenses**

The statutory provisions relating to remuneration are set out in Rule 2.106 of the Insolvency Rules 1986. Further information is given in the Association of Business Recovery Professionals' publication 'A Creditors' Guide to Administrators' Fees', a copy of which may be accessed from the web site of the Insolvency Practitioners Association at <http://www.insolvency-practitioners.org.uk> (follow 'Regulation and Guidance' then 'Creditors Guide to Fees'), or is available in hard copy upon written request to the Administrators.

In accordance with Rule 2.106(5A) of the Rules, as a creditors' meeting was not requisitioned following receipt of the Proposals, the Administrators remuneration has been fixed by the secured and preferential creditors on the basis of time properly given by them and their staff in dealing with matters arising in the Administration.

During the period covered by this report, the Administrators have incurred time costs of £99,417 against which nothing has been billed. A bill for £126,000 in respect of time costs incurred in the period 26 March 2016 to 31 December 2016 was settled during the period to 11 July 2017.

The Administrators have incurred total time costs of £2,309,499 to 11 July 2017, against which total fees of £1,200,069 have been drawn. An analysis of the time spent in the period can be found at Appendix B. Appendix C provides a statement of the Administrators' policy in relation to charging time.

There is an analysis of Category 1 and 2 disbursements incurred in the period at Appendix B and a statement of the Administrators' policy in relation to charging disbursements at Appendix C.

During the period covered by this report, the Administrators have incurred expenses of £1,228, against which nothing has been billed. The Administrators have incurred total expenses of £20,941 to 11 July 2017, against which £15,519 has been drawn.

In certain circumstances, creditors are entitled to request further information regarding the Administrators' remuneration or expenses, or to apply to court on the grounds that the costs are considered to be excessive. Further information is provided in Appendix D.

### **5.1 Pre Administration Costs**

Under the terms of engagement agreements dated 2 November 2012 and 16 November 2012 (with an extension of scope on 18 December 2012), Ernst & Young LLP was instructed by the Board of Directors of the Company, together with the Senior Lenders, to undertake contingency planning, preparatory sales planning, marketing of the business for sale and subsequent deal execution.

The fees in relation to the above engagements were paid directly by the Senior Lenders and not as an expense of the Administration. Consequently, the Administrators are not seeking approval for the payment of unpaid pre-administration costs per Rule 2.67A.

## **6. Other matters**

### **6.1 Future conduct of the Administration**

The Administrators will continue to act in accordance with the Proposals. This work will include inter alia:

- ▶ Dealing with landlords for the leasehold properties, including the surrender of leases or the assignment of leases;
- ▶ Facilitating the payment of rent and service charges for sites transferred to the Purchaser;
- ▶ Facilitating the assignment of leases to the Purchaser for sites transferred;
- ▶ Distributing the realisations to the secured and preferential creditors;
- ▶ Dealing with preferential and unsecured creditor enquiries;
- ▶ If appropriate, agreeing unsecured creditor claims and distributing the Prescribed Part;
- ▶ Realising any remaining assets such as rate refunds and book debts;
- ▶ Complying with the Administrators' reporting obligations to the Lenders;
- ▶ Dealing with statutory reporting and compliance obligations; and
- ▶ Finalising the Administration including payment of all Administration liabilities.

### **6.2 Exit from Administration**

As stated above, the Administrators received further extension of the Administration to 4 March 2018. In the event that the purpose of the Administration cannot be completed by this time, the Administrators may seek a further extension to complete the Administration.

As per the February 2015 Report, it was initially envisaged that the Company would move into Creditors Voluntary Liquidation ("CVL") in order for any distributions to be made to the unsecured creditors, which upon current estimates will only be by way of a prescribed part distribution.

However, since the coming into effect of the Small Business, Enterprise and Employment Act 2015 on 26 May 2015, exit via a CVL solely for the purpose of making such distribution of the prescribed part is no longer possible. Accordingly, it is likely that such distribution will have to be made whilst the Company remains in Administration and for the Company to then be dissolved, or for a winding up order to be sought from the Court at the appropriate time and for the distribution to be made through a Compulsory Liquidation.

If at the end of the Administration the Company has no property which might permit a distribution to its creditors, the Administrators will send a notice to that effect to the registrar of companies. On registration of the notice the Administrators' appointment will come to an end. In accordance with the provisions of paragraph 84(6) of Schedule B1 to the Insolvency Act 1986 the Company will be deemed to be dissolved three months after the registration of the notice.

Other matters

Should you have any queries regarding this report please contact my colleague, Sophie Hyde, on 0207 951 1856.

Yours faithfully  
for the Company

A handwritten signature in black ink, appearing to read 'C A Lewis'.

C A Lewis  
Joint Administrator

AM Hudson is licensed in the United Kingdom to act as an insolvency practitioner by The Association of Chartered Certified Accountants and CA Lewis and JM O'Connor are licensed in the United Kingdom to act as insolvency practitioners by The Institute of Chartered Accountants in England and Wales.

The affairs, business and property of the Company are being managed by the Joint Administrators, AM Hudson, CA Lewis and JM O'Connor, who act as agents of the Company only and without personal liability.

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

## Appendix A Administrators' receipts and payments from 12 January 2017 to 11 July 2017

Statement of Affairs Estimated to Realise Values (£)		Balance as at 11 January 2017 £	Movement from 12 January 2017 to 11 July 2017 £	Balance as at 11 July 2017 £
<b>RECEIPTS</b>				
174.00	Leasehold property	174.00	0.00	174.00
3,000,000.00	Freehold property	3,000,000.00	0.00	3,000,000.00
1.00	Goodwill	1.00	0.00	1.00
1.00	Customer list	1.00	0.00	1.00
1.00	Business intellectual property	1.00	0.00	1.00
7,900,000.00	Fixtures, fittings, equipment & vehicles	8,007,910.46	0.00	8,007,910.46
20,500,000.00	Stock/ WIP	20,500,000.00	0.00	20,500,000.00
4,525,000.00	Cash at bank in transit at completion	4,525,000.00	0.00	4,525,000.00
-	Sale of shares	100.00	0.00	100.00
-	Rates refunds	1,141,497.10	7,389.75	1,148,886.85
-	Pre appointment insurance	3,655.37	0.00	3,655.37
-	Utilities refund	2,478.61	0.00	2,478.61
-	IT hosting refund	27,677.97	0.00	27,677.97
-	Sundry income	16,754.49	10.00	16,764.49
-	Bank interest	34,937.92	552.68	35,490.60
-	Landlord control a/c	191,808.11	0.00	191,808.11
-	Monies held on a/c for Dreams Ltd	67,309.46	0.00	67,309.46
-	VAT payable	(32,490.86)	0.00	(32,490.86)
		<b>37,486,815.63</b>	<b>7,952.43</b>	<b>37,494,768.06</b>
<b>PAYMENTS</b>				
	Distribution to secured creditors	30,350,000.00	250,000.00	30,600,000.00
	Pre-appointment fees paid to various parties by the secured creditors	3,693,874.66	0.00	3,693,874.66
	Rates agents' fees	116,266.67	0.00	116,266.67
	Other professional fees	12,463.64	0.00	12,463.64
	Administrators' fees	1,095,069.00	105,000.00	1,200,069.00
	Administrators' disbursements	19,515.25	0.00	19,515.25
	Storage Charges	19,234.33	1,211.52	20,445.85
	Legal fees and disbursements	250,736.33	9,585.08	260,321.41
	Bank charges	53.30	36.10	89.40
	Insurance	5,920.10	14,694.50	20,614.60
	Corporation Tax	7,294.80	0.00	7,294.80
	PAYE	729.20	0.00	729.20
	Holiday pay - D of E	47,575.34	0.00	47,575.34
	Wage arrears - D of E	102,199.83	0.00	102,199.83
	Employee net dividend	43,505.31	0.00	43,505.31
	Irrecoverable VAT	185,588.81	0.00	185,588.81
	VAT receivable	89,903.18	0.00	89,903.18
		<b>36,039,929.75</b>	<b>380,527.60</b>	<b>36,420,457.35</b>
<b>REPRESENTED BY</b>				
	Fixed account			105.73
	Floating account			1,077,068.02
				<b>1,077,173.75</b>

### Notes

1. Net funds held on behalf of the Purchaser to meet ongoing lease obligations. These funds will be remitted to landlords or returned to the Purchaser.
2. Overpayments returned by landlords and refunds received following successful assignment of leases.
3. Relates to payments made to landlords who have not provided valid VAT invoices. These payments are funded by the Purchaser.

## Appendix B Administrators' time costs from 12 January 2017 to 11 July 2017

	Partner / Director	Manager	Other Senior Professionals	Assistants & Support	Total hours for the period 12/01/17 to 11/07/17	Average Hourly Rate	Time Costs for period 12/01/17 to 11/07/17	Time costs for the period to 11/07/17	Time costs for the full administration period to 11/07/2017
Accounting and Administration	15	19.6	20.6	77.3	119.0	£ 307.55	£ 36,598.50	£ 415,460.43	£ 452,058.93
Bank & Statutory Reporting	15	4.0	0.4	5.7	11.0	£ 488.00	£ 5,428.79	£ 148,898.50	£ 154,327.29
Creditors	35	21.6	11.2	5.5	41.8	£ 516.94	£ 21,608.00	£ 135,894.00	£ 157,502.00
Debtors						£ -	£ -	£ 2,251.00	£ 2,251.00
Employee Matters						£ -	£ -	£ 157,313.50	£ 157,313.50
Immediate tasks			0.2		0.2	£ 355.00	£ 71.00	£ 155,765.00	£ 155,836.00
Investigations / CODA						£ -	£ -	£ 22,206.00	£ 22,206.00
Job Acceptance & Strategy	15				1.5	£ 945.00	£ 1,417.50	£ 24,638.50	£ 26,056.00
Legal issues		0.3			0.3	£ 670.00	£ 201.00	£ 16,488.50	£ 16,689.50
Other Assets		3.7		5.3	9.0	£ 333.89	£ 3,005.00	£ 133,952.00	£ 136,957.00
Other Matters		0.7	1.4		2.1	£ 398.10	£ 836.00	£ 28,258.00	£ 27,094.00
Prescribed Part		4.1	1.8	4.9	10.8	£ 345.56	£ 3,732.00	£ -	£ 3,732.00
Property - OldCo				1.5	1.5	£ 210.00	£ 315.00	£ 317,023.00	£ 317,338.00
Property - Termination & surrenders	2.8	1.2		3.9	7.9	£ 516.08	£ 4,077.00	£ 72,564.50	£ 76,641.50
Sale of Business / SPA	4.0				4.0	£ 945.00	£ 3,780.00	£ 67,182.50	£ 70,962.50
Statutory Duties	4.5	11.8			16.3	£ 745.92	£ 12,159.50	£ 128,885.00	£ 141,043.50
Trading						£ -	£ -	£ 19,463.50	£ 19,463.50
VAT & Taxation	2.5	3.0		9.0	14.5	£ 426.83	£ 6,189.00	£ 365,838.13	£ 372,027.13
<b>Grand Total</b>	<b>21.8</b>	<b>70.0</b>	<b>35.6</b>	<b>113.1</b>	<b>240.5</b>	<b>£ 413.38</b>	<b>£ 99,417.29</b>	<b>£ 2,210,082.88</b>	<b>£ 2,309,499.35</b>

N.B. The Administrators have received payment directly from the Purchaser for the short term period of trading post appointment and for providing ongoing property support. These time costs have been excluded from the above analysis because they will not be paid out of assets of the Company and consequently will not impact the return to the creditors.

### Category 1 expenses from 12 January 2017 to 11 July 2017 (£)

Description	Amount
Postage costs in relation to letters to creditors regarding the February 2017 report and notices regarding creditor claims	861.12
Printing costs	97.00
Stationery	270.00
	<b>1,228.12</b>

### Category 2 expenses from 12 January 2017 to 11 July 2017 (£)

None

## Appendix C Statement of Administrators' charging policy for remuneration and disbursements

### Office Holders' Charging Policy for Fees

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

All time spent by staff working directly on case-related matters is charged to a separate time code established for each case. Time is charged in units of six minutes. Each member of staff has a specific hourly rate, which is subject to change over time. The hourly rate for each category of staff over the period is shown below:

Grade description	Hourly rate (£/hour)	Tax/VAT rate (£/hour)
Partner	985-1035	1,235-1,495
Executive Director	945-990	1210-1,425
Director	805-845	1,040-1,235
Assistant Director	670-745	1,090-1,210
Senior Executive	510-535	855-900
Executive	375-395	530-660
Assistant Executive	340-355	-
Analyst	240-355	200-410
Business Trainee	210-220	135-200
Assistants & Support	205-285	35-180

### Office Holders' Charging Policy for Disbursements

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

Category 1 disbursements comprise payments made by the office holders' firm, which comprise specific expenditure relating to the administration of the insolvent's affairs and referable to payment to an independent third party. These disbursements can be paid from the insolvent's assets without approval from the Creditors' Committee or the general body of creditors. In line with SIP 9, it is our policy to disclose such disbursements drawn but not to seek approval for their payment.

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

## **Appendix D Creditors' request for further information regarding an administrators' remuneration or expenses**

### **Rule 2.48A, Insolvency Rules 1986:**

1) If-

(a) within 21 days of receipt of a progress report under Rule 2.47-

(i) a secured creditor, or

(ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or

(b) with the permission of the court upon an application made within that period of 21 days, any unsecured creditor,

makes a request in writing to the administrator for further information about remuneration or expenses (other than pre-administration costs) set out in a statement required by Rule 2.47(1)(db) or (dc), the administrator must, within 14 days of receipt of the request, comply with paragraph (2).

(2) The administrator complies with this paragraph by either-

(a) providing all of the information asked for, or

(b) so far as the administrator considers that-

(i) the time or cost of preparation of the information would be excessive, or

(ii) disclosure of the information would be prejudicial to the conduct of the administration or might reasonably be expected to lead to violence against any person, or

(iii) the administrator is subject to an obligation of confidentiality in respect of the information, giving reasons for not providing all of the information.

(3) Any creditor, who need not be the same as the creditor who requested further information under paragraph (1), may apply to the court within 21 days of-

(a) the giving by the administrator of reasons for not providing all of the information asked for, or

(b) the expiry of the 14 days provided for in paragraph (1),

and the court may make such order as it thinks just.

(4) Without prejudice to the generality of paragraph (3), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 2.109(1B) by such further period as the court thinks just.



**Creditors' claim that remuneration is excessive – extract from Rule 2.109 of the Insolvency Rules 1986:**

(1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4).

(1A) Application may be made on the grounds that—

- (a) the remuneration charged by the administrator,
- (b) the basis fixed for the administrator's remuneration under Rule 2.106, or
- (c) expenses incurred by the administrator,

is or are, in all the circumstances, excessive or, in the case of an application under subparagraph (b), inappropriate.

(1B) The application must, subject to any order of the court under Rule 2.48A(4), be made no later than 8 weeks after receipt by the applicant of the progress report which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").