

In accordance with  
Rule 6.28 of the  
Insolvency (England &  
Wales) Rules 2016 and  
Section 106(3) of the  
Insolvency Act 1986.

# LIQ14

## Notice of final account prior to dissolution in CVL



Companies House

SATURDAY



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16/10/2021

#171

COMPANIES HOUSE

### 1 Company details

Company number 03428408

Company name in full CARBONARI MP LIMITED

→ Filling in this form  
Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s) SAMUEL ADAM

Surname BAILEY

### 3 Liquidator's address

Building name/number RICHARD J SMITH & CO

Street 53 FORE STREET

Post town IVYBRIDGE

County/Region DEVON

Postcode PL21 9AE

Country ENGLAND

### 4 Liquidator's name ①

Full forename(s) HAMISH MILLEN

Surname ADAM

① Other liquidator  
Use this section to tell us about  
another liquidator.

### 5 Liquidator's address ②

Building name/number RICHARD J SMITH & CO

Street 53 FORE STREET

Post town IVYBRIDGE

County/Region DEVON

Postcode PL21 9AE

Country ENGLAND

② Other liquidator  
Use this section to tell us about  
another liquidator.

# LIQ14

Notice of final account prior to dissolution in CVL

6

## Liquidator's release

☐ Tick if one or more creditors objected to liquidator's release.

7

## Final account

☒ I attach a copy of the final account.

8

## Sign and date

Liquidator's signature

Signature

X

*Heilin*

X

Signature date

<sup>d</sup>1<sup>d</sup>5

<sup>m</sup>1<sup>m</sup>0

<sup>y</sup>2<sup>y</sup>0<sup>y</sup>2<sup>y</sup>1

# **Liquidators' Final Account to Creditors and Members**

**Carbonari MP Limited  
- In Liquidation**

**15 October 2021**

# **CARBONARI MP LIMITED - IN LIQUIDATION**

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## **APPENDICES**

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## **CARBONARI MP LIMITED - IN LIQUIDATION**

### **1 Introduction**

- 1.1 On 24 August 2017, Samuel Bailey and Hamish Adam were appointed as Joint Liquidators of Carbonari MP Limited (the **Company**). The Liquidators' contact details are Richard J Smith & Co, 53 Fore Street, Ivybridge, Devon, PL21 9AE. The affairs of the Company are now fully wound-up, and this is my final account of the liquidation, which covers the period since my last progress report (the **Period**).
- 1.2 Information about the way that we will use, and store personal data on insolvency appointments can be found in the attached Privacy Notice as Appendix E.
- 1.3 The principal trading address of the Company was The Generator, The Gallery, Kings Wharf, Exeter, EX2 4AN. The registered office of the Company has been changed to Richard J Smith & Co, 53 Fore Street, Ivybridge, Devon, PL21 9AE and its registered number is 03428408.

### **2 Receipts and Payments**

- 2.1 At Appendix A, I have provided an account of my Receipts and Payments for the Period compared to the directors' statement of affairs, together with a cumulative account since my appointment, which provides details of the remuneration charged and expenses incurred and paid by the Liquidators.

### **3 Work undertaken by the Liquidator**

- 3.1 This section of the report provides creditors with an overview of the work undertaken in the Period, together with information on the overall outcome of the liquidation.

#### ***Administration (including statutory compliance & reporting)***

- 3.2 An office holder must comply with certain statutory obligations under the Insolvency Act 1986 and other related legislation. Details about the work I anticipated undertaking in this regard was outlined in my initial fees estimate/information which was previously agreed by creditors, and I would confirm that in this Period, the only matters that have affected the costs to any particular extent are the payment of a final dividend to unsecured creditors. The liquidation has remained open because the liquidators have been waiting for a VAT refund to be paid from HM Revenue & Customs. The VAT refund has now been received.
- 3.3 Where the costs of statutory compliance work or reporting to creditors exceeded the initial estimate, it will usually be because the duration of the case has taken longer than anticipated, possibly due to protracted asset realisations, which have in turn placed a further statutory reporting requirement on the Liquidators.
- 3.4 This work has brought financial benefit to creditors and is work required on every case by statute.

#### ***Realisation of Assets***

- 3.5 At the date of liquidation, the Company's assets had an estimated value of £12,250 which consisted of cash at bank of £7,000 and book debts of £5,250. The Company's fixture and fittings did not have any realisable value and it was uncertain at the commencement of the liquidation whether any work in progress would be recoverable.
- 3.6 From the Receipts and Payments Account at Appendix A, creditors will note that total realisations in the period amount to £32,088.89, of which £21,068.20 relates to the final amount paid by the director in settlement of the claim brought against him as set out below. The additional £11,020.69 received in the period relates to VAT reclaimed as part of the

## **CARBONARI MP LIMITED - IN LIQUIDATION**

liquidation process. The realisation of the VAT refund owing was the final matter that required attending to before the final dividend, and final account, could be issued. Significant delays were incurred with HMRC releasing the refund but this has now been received.

### ***Creditors (claims and distributions)***

- 3.7 Liquidators are not only required to deal with correspondence and claims from unsecured creditors, but also those of any secured and preferential creditors of the Company. This may involve separate reporting to any secured creditor and dealing with distributions from asset realisations caught under their security, most typically a debenture.
- 3.8 Work undertaken by a Liquidator in dealing with a company's creditors may only therefore bring a financial benefit to certain classes of creditor such as a secured creditor or the preferential creditors, however a Liquidator is required by statute to undertake this work. Similarly, if a distribution is to be paid to any class of creditor, work will be required to agree those claims and process the dividend payments to each relevant class of creditor. The more creditors a company has, the more time and cost will be involved by the Liquidator in dealing with those claims. In this case, a first and interim dividend of 25p/£ was paid to unsecured creditors on 14 January 2021. A second and final dividend of 10.9p/£ is being paid to the unsecured creditors, whose claims have been agreed, with this report. No further dividends will be paid in this case.
- 3.9 More information on the outcome for all classes of creditor in this case can be found in Section 5 below.

### ***Investigations***

- 3.10 You may recall from my first progress report to creditors that some of the work the Liquidator is required to undertake is to comply with legislation such as the Company Directors' Disqualification Act 1986 (CDDA 1986) and Statement of Insolvency Practice 2 – Investigations by Office Holders in Administration and Insolvent Liquidations and may not necessarily bring any financial benefit to creditors, unless these investigations reveal potential asset recoveries that the Liquidator can pursue for the benefit of creditors.
- 3.11 My report on the conduct of the Directors of the Company to the Department for Business, Energy & Industrial Strategy under the CDDA 1986 was submitted during the first year of the liquidation and is confidential.
- 3.12 Since my last progress report, I would advise that no further asset realisations have come to light that may be pursued by me for the benefit of creditors

### ***Connected Party Transactions***

- 3.13 There were no assets disposed of or sold to the director or any connected party in the period.

## **4 Unlawful Dividends**

- 4.1 As previously advised, following a review of the Company's accounts it was identified that dividends totalling £100,600 for the financial years ended 30 April 2013 to 30 April 2015 were shown in the financial statements as having been paid. Further investigations revealed that the Company had insufficient reserves from which to declare dividends and as such the dividends are unlawful.
- 4.2 As advised in my previous progress report, the Liquidators addressed this issue with the director and his legal advisors with a view to recovering the unlawful dividends for the benefit of the estate. The director had co-operated with the liquidators throughout the initial stages of the investigation and there was a delay caused by the director taking his own legal advice and pursuing an associated claim that he wished to bring that, if successful, would have resulted in a payment equivalent to the amount sought by the liquidators. The liquidators

## CARBONARI MP LIMITED - IN LIQUIDATION

agreed to allow this claim to be pursued but no progress was made by the director in this respect.

- 4.3 You will recall that the Liquidators instructed lawyers to pursue the matter and the liquidators obtained After the Event insurance in respect of the claim against the director. After lengthy negotiations, an agreement with the director was reached and a Deed of Settlement was executed on 28 July 2020, which provided for the director to pay the sum of £74,000 in instalments as follows:
- The amount of £8,000 within 7 days of signing the deed;
  - The amount of £45,000 by 30 July 2020; and
  - The amount of £21,000 by 30 September 2020
- 4.4 In considering whether the settlement provided for the best return to creditors the liquidators had to consider the issue of ongoing costs and staged insurance premiums, and litigation risk. The liquidators are satisfied that the settlement provided the best outcome in all the circumstances.
- 4.5 The first two instalments totalling £53,000 were paid by the director to our instructed lawyer in the previous reporting period. Net realisations of £10,462.80 after allowing for legal fees and insurance costs was paid to the liquidators.
- 4.6 As outlined in my previous annual report, the director requested an extension for the final payment of £21,000 for a further 3 weeks up to 21 October 2020. The director paid an instalment of £10,000 on 5 October 2020 and paid the balance of £11,068.20 which includes interest for late payment, on 23 October 2020. The Deed of Settlement has been successfully executed. No further payments will be made.
- 4.7 The Liquidators have drawn their fees (see part 6 of the report) and have now recovered the input VAT arising in the liquidation and are paying a second and final dividend with this report. See part 5 below for further information.

## 5 Outcome for Creditors

### ***Secured/Preferential Creditors***

- 5.1 There are no secured or preferential creditors in this case.

### ***Unsecured Creditors***

- 5.2 I have received claims totalling £71,755.94 from 4 creditors. However, as above the directors claim of £28,000 has not been admitted to rank for dividend purposes. I have yet to receive claims from 2 creditors whose debts total £508.40 as per the Company's statement of affairs. However, the liquidators are treating these two claims under £1,000 as being proved for dividend purposes. Claims therefore total £44,264.34.
- 5.3 The Company has not granted any floating charges to secured creditors. Accordingly, there is no requirement to create a fund out of the Company's net floating charge property for unsecured creditors (known as the **Prescribed Part**).
- 5.4 Based on the information contained within the statement of affairs, it was not anticipated that there would be sufficient funds realised after defraying the expenses of the liquidation to pay a dividend to unsecured creditors. However, due to the identification of the unlawful dividends, a first dividend of 25 pence in the pound was paid to unsecured creditors on 14 January 2021.

## **CARBONARI MP LIMITED - IN LIQUIDATION**

- 5.5 I can confirm that a second and final dividend of 10.9 pence in the pound is being paid with this report.

### **6 Notice of Declaration of Dividend**

- 6.1 The Liquidators gave Notice to creditors that the Liquidators were declaring a second and final dividend to unsecured creditors of the Company. A notice of declaration of dividend was issued to creditors with the draft final account.
- 6.2 The total amount that was distributed was £4,827.58 and the rate of dividend declared paid was 10.9 pence in the pound
- 6.3 No further dividends were paid to any class of creditors.

### **7 Liquidators' Remuneration & Expenses**

- 7.1 Creditors approved that the basis of the Liquidators' remuneration be fixed by reference to the time properly spent by them and their staff in managing the liquidation but capped at £19,000 as per the fee estimate sent to creditors. My fees estimate/information was originally provided to creditors when the basis of my remuneration was approved and was based on information available to me at that time.
- 7.2 The initial fee estimate provided to creditors for the liquidation was insufficient to meet the costs of the liquidation. As previously reported, on 13 August 2020, creditors approved that the liquidators' remuneration be increased from £19,000 plus VAT to £29,000 plus VAT. A copy of the Liquidators fee estimate was circulated with creditors on 28 July 2020. Two creditors voted in favour of the fee increase and no creditors voted for rejection.
- 7.3 My time costs for the Period are £9,560. This represents 52.8 hours at an average rate of £181.06 per hour. My total time costs since the date of my appointment amount to £60,895.50. This represents 343 hours at an average rate of £177.54 per hour. Attached as Appendix B is a Time Analysis which provides details of the activity costs incurred by staff grade during the Period and attached as Appendix B (i) is a Time Analysis since my appointment in respect of the costs fixed by reference to time properly spent by me in managing the liquidation.
- 7.4 £29,000 plus VAT has been drawn on account of which £13,427 was drawn in the period. Category 2 expenses total £253.85 of which £76.02 have been drawn in the period. I do not propose to amend my fee cap at this time in order to allow for the second and final dividend to be paid.

#### **Legal Fees**

- 7.5 In order to progress the unlawful dividends claim to a conclusion, the liquidators had to instruct lawyers and their costs amounted to £32,101. This is a significant expense in the liquidation, but it was necessary to incur the cost to achieve the realisation that was made. The cost includes fees incurred in attempting to settle the matter without proceedings, securing ATE insurance to allow proceedings to commence, issuing proceedings and dealings with defences, and negotiating, drafting and monitoring the settlement agreement.
- 7.6 An Expenses Analysis is shown at Appendix C.
- 7.7 Attached as Appendix D is additional information in relation to the Liquidators' fees and the expenses and disbursements incurred in the liquidation.
- 7.8 A copy of 'A Creditors' Guide to Liquidators' Fees' is available on request or can be downloaded from <http://www.richardjsmith.com/creditors-guides>



## **CARBONARI MP LIMITED - IN LIQUIDATION**

### **8 Conclusion**

- 8.1 This final account will conclude my administration of this case. No creditors objected to the release of the liquidators.
- 8.2 If you have any queries in relation to this report, please do not hesitate to contact me.



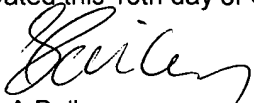
**S A Bailey**  
Joint Liquidator

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**IN THE MATTER OF THE INSOLVENCY ACT 1986  
AND IN THE MATTER OF  
CARBONARI MP LIMITED  
SUMMARY OF THE LIQUIDATORS' RECEIPTS AND PAYMENTS FOR  
THE PERIOD FROM 24 AUGUST 2017 TO 15 OCTOBER 2021**

		Reporting Year		
	Estimated as per S of A	Realisations 24/8/17 to 23/8/20	Realisations 24/8/20 to 15/10/21	Realisations To Date
	£	£	£	£
<b>Receipts</b>				
Cash at Bank	7,000	11,189.31		11,189.31
Book Debts	5,250	1,400.00		1,400.00
Work in Progress	N/K			-
Bank Interest		1.13		1.13
Unlawful Dividends		53,000.00	21,068.20	74,068.20
VAT		2,194.08	11,020.69	13,214.77
	12,250	67,784.52	32,088.89	99,873.41
<b>Payments</b>				
Pre Liquidation costs		2,500.00		2,500.00
Pre Liquidators' Disbursements		59.75		59.75
Liquidators' Remuneration		15,573.00	13,427.00	29,000.00
Liquidators' Expenses		177.83	76.02	253.85
Liquidators' Bond		276.00		276.00
Statutory Advert		164.00	79.00	243.00
Solicitors Costs (re assigning of book debts)		980.00		980.00
Solicitors Costs (re unlawful dividends)		31,981.00	120.00	32,101.00
Petition Costs		920.00		920.00
Insurance		4,060.00		4,060.00
Court Fees		280.00		280.00
Corporation Tax		0.20		0.20
Storage Costs		34.88	56.30	91.18
VAT		10,487.10	2,727.66	13,214.76
		67,493.76	16,485.98	83,979.74
<b>Creditors</b>				
1st dividend of 25p/£ to 5 creditors - £44,264			11,066.09	11,066.09
2nd dividend of 10.9p/£ to 5 creditors - £44,264			4,827.58	4,827.58
<b>Balance Held on Interest Bearing Account</b>				
Current Account		290.76	(290.76)	-
		67,784.52	32,088.89	99,873.41

Dated this 15th day of October 2021



S A Bailey

Joint Liquidator

Date Paid:

14-Jan-21

17-Aug-21

## Time Analysis for the Period 24 August 2020 to 15 October 2021

Classification of work function	Hours					Total Hours	Time Costs	Average hourly rate
	Partner	Manager	Other Senior Professionals	Cashier	Assistants & Support Staff			
Admin & Planning	0.30	3.00	5.80	0.00	0.00	9.10	1,768.50	194.34
Reporting & Meetings	0.80	1.90	19.70	2.10	0.00	24.50	4,469.00	182.41
Investigation	0.80	0.00	0.00	0.00	0.00	0.80	232.00	290.00
Forensic	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Assets (Fixed)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Assets (Floating/Other)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Book Debts	0.00	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	0.00
Monitoring	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Finance Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Preferential Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
HMRC/Crown Creditors	0.00	0.00	0.50	0.00	0.00	0.50	87.50	175.00
Unsecured Creditors	0.00	0.80	5.40	0.40	0.50	7.10	1,238.50	174.44
Employees & Pensions	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Estate Cashiering	0.20	1.00	0.00	6.20	0.70	8.10	1,435.50	177.22
Other/General Typing	0.00	0.00	0.00	0.90	1.80	2.70	329.00	121.85
Total hours	2.10	6.70	31.40	9.60	3.00	52.80	9,560.00	181.06
Total fees claimed (£)	609.00	1,481.50	5,495.00	1,689.50	285.00	9,560.00		

Time incurred in Period

Total: **9,560.00**

## Time Analysis for the Period 24 August 2017 to 15 October 2021

Classification of work function	Hours					Total Hours	Time Costs	Average hourly rate
	Partner	Manager	Other Senior Professionals	Cashier	Assistants & Support Staff			
Admin & Planning	5.00	19.00	63.50	0.00	0.40	87.90	13,708.00	155.95
Reporting & Meetings	10.80	8.40	53.60	6.50	3.80	83.10	13,781.50	165.84
Investigation	79.70	5.90	23.60	0.00	0.00	109.20	24,601.50	225.29
Forensic	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Assets (Fixed)	0.00	0.00	0.50	0.00	0.00	0.50	65.00	130.00
Assets (Floating/Other)	1.00	0.20	1.20	0.40	0.00	2.80	497.00	177.50
Book Debts	2.30	1.40	1.50	0.00	0.00	5.20	1,026.00	197.31
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Monitoring	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Finance Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Preferential Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
HMRC/Crown Creditors	0.00	1.60	4.20	0.00	0.00	5.80	848.50	146.29
Unsecured Creditors	0.00	0.80	8.10	0.40	0.70	10.00	1,605.50	160.55
Employees & Pensions	0.00	0.00	0.90	0.00	0.00	0.90	117.00	130.00
Estate Cashiering	0.50	1.90	0.00	14.90	5.50	22.80	3,274.50	143.62
Other/General Typing	0.00	0.00	0.00	1.70	13.10	14.80	1,371.00	92.64
Total hours	99.30	39.20	157.10	23.90	23.50	343.00	60,895.50	177.54

Total fees claimed (£)	25,494.00	7,259.00	22,492.00	3,652.50	1,998.00	60,895.50
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Total: 60,895.50

Invoiced: 29,000.00

Un-Invoiced: 31,895.50

	Time invoiced in Period		Time incurred in Period		Cumulative	
	£	Hours	£	Hours	£	Hours
Year 1	7,249.00	49.90	23,336.00	149.00		
Year 2	0.00	0.00	11,195.50	58.90	34,531.50	207.90
Year 3	8,324.00	49.10	16,804.00	82.30	51,335.50	290.20
Year 4	13,427.00	83.60	9,560.00	52.80	60,895.50	343.00
Year 5	0.00	0.00	0.00	0.00	0.00	0.00

**CARBONARI MP LIMITED - IN LIQUIDATION****Expenses Analysis for the Period 24 August 2019 to 15 October 2021**

	Estimated (Fee Resolution) £	Paid in prior Period £	Paid in the period covered by this report £	Incurred but not paid to date £	Total anticipated cost £
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**Category 1 Expenses**

Agents fees & expenses					-
Legal fees & expenses (re book debts)	750.00	980.00			980.00
Legal fees & expenses (re unlawful dividends)		31,981.00	120.00		32,101.00
Statutory Advertising	296.00	164.00	79.00		243.00
Specific Penalty Bond	80.00	276.00			276.00
Insurance		4,060.00			4,060.00
Accountants Costs					-
External Storage Costs	150.00	34.88	56.30		91.18
External Meeting Room Hire					-
Re-direction of Mail					-
Pension Advice					-
Case Administration software (pre 1/4/21)		44.12	20.00	-	64.12
External Mail Servicing					-
External Web Hosting					-
AML electronic Searches (Post appointment)		1.00	-	-	1.00
<b>Others - Provide details</b>					-
Postage 1		19.62	9.87	-	29.49
Postage 2		41.77	13.72	-	55.49
Copy & Print		14.26	7.35	-	21.61
Court Fee		280.00	-	-	280.00
Post Works		-	10.10	-	10.10
<b>Total Expenses:</b>	<b>1,276.00</b>	<b>37,896.65</b>	<b>316.34</b>	<b>-</b>	<b>38,212.99</b>

**Category 2 Expenses**

External Meeting Room Hire					
Business Mileage		-	-	-	-
External Storage Costs					-
Postage Charges		42.93	14.35	-	57.28
AML electronic Searches					-
<b>Others - Provide details</b>					-
Photocopying		14.13	0.63	-	14.76
<b>Total:</b>	<b>-</b>	<b>57.06</b>	<b>14.98</b>	<b>-</b>	<b>72.04</b>

**Total of Category 1 & 2 Expenses**

1,276.00	37,953.71	331.32	-	38,285.03
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## **Additional Information in Relation to the Liquidator's Fees, Expenses & the use of Subcontractors**

### **Staff Allocation and the use of Subcontractors**

The general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.

The constitution of the case team will usually consist of a Partner, a Manager, and an Administrator or Assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment.

We have not utilised the services of any subcontractors in this case.

### **Professional Advisors**

On this assignment we have used the professional advisors listed below. We have also indicated alongside, the basis of our fee arrangement with them, which is subject to review on a regular basis.

<b>Name of Professional Advisor</b>	<b>Basis of Fee Arrangement</b>
Kitsons Solicitors (assigning of book debts)	Hourly rate and disbursements
Aaron & Partners (unlawful dividends)	Hourly rate and disbursements
ASL International (insurance)	Fixed fee (subject to time periods)

Our choice was based on our perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of our fee arrangement with them.

### **Liquidators' Expenses**

The estimate of expenses which were anticipated at the outset of the Liquidation was provided to creditors when the basis of my fees were approved. The table below compares the estimated overall costs against those incurred in the liquidation. The payment of these expenses is reflected in the Receipts and Payments Account enclosed with this report.

#### **Category 1 expenses**

These expenses do not require prior approval by creditors. The type of expenses that may be charged to a case as a Category 1 expense generally comprise of external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, external room hire and external storage costs. Also chargeable, will be any properly reimbursed expenses incurred by personnel in connection with the case. These expenses may include expenses which are payments first met by an office holder and then reimbursed from the estate.

#### **Category 2 expenses**

These expenses do require approval from creditors. These are costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may therefore include payments to associates of the office holder or shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis. Details of Category 2 expenses charged by this firm (where appropriate) were provided at the time the Liquidator's fees were approved.

Attached as Appendix C is a summary of my expenses paid in the liquidation.

## Privacy Notice

### Use of personal information

We process personal information to enable us to carry out our work as insolvency practitioners which includes processing data that was held by companies/individuals before our appointment together with data collected during an insolvency procedure or a fixed charge receivership. Our legal obligation to process personal data arises from work we are required to carry out under insolvency and other related legislation.

Insolvency practitioners are Data Controllers of personal data in so far as defined by data protection legislation. Richard J Smith & Co will act as Data Processor on their instructions about personal data in relation to an insolvency procedure or fixed charge receivership.

Personal data will be kept secure and processed only for matters relating to the insolvency procedure being dealt with.

### The data we may process

The personal data insolvency practitioners may process in most cases will be basic details that may identify an individual and will typically be sufficient to allow us to carry out our work as insolvency practitioners, for example, dealing with the claims of individuals who are owed monies by the companies/individuals over whom we have been appointed.

However, insolvency practitioners may be appointed over entities that process personal data that is considered more sensitive, for example health records and this sensitive data will usually have been created before our appointment. Although we will take appropriate steps to safeguard sensitive data (or to destroy it where it is appropriate to do so), subject to limited exceptions, for example, where we identify previous conduct and/or action that requires further investigation, we will not be processing sensitive data.

### Sharing information

We may share personal data with third parties where we are under a legal or regulatory duty to do so, or it is necessary for the purposes of undertaking our work as insolvency practitioners. We may also share personal data to lawfully assist the police or other law enforcement agencies with the prevention and detection of crime, where disclosure is necessary to protect the safety or security of any persons and/or otherwise as permitted by the law.

### How long will we hold it?

Personal data will be retained for as long as any legislative or regulatory requirement requires us to hold it. Typically, this may be up to 6 years after which it will be destroyed.

### What are your rights?

You have the right to receive the information contained in this document about how your personal data may be processed by us.

You also have the right to know that we may be processing your personal data and, in most circumstances, to have information about the personal data of yours that we hold, and you can ask for certain other details such as what purpose we may process your data for and how long we will hold it.

Individuals have the right to request that incorrect or incomplete data is corrected and in certain circumstances, you may request that we erase any personal data on you which may be held or processed as part of our work as insolvency practitioners. If you have any complaints about how we handle your personal data, please contact Hamish Adam at Richard J Smith & Co, 53 Fore Street, Ivybridge, Devon, PL21 9AE tel: 01752 690101, email: [hamish.adam@richardjsmith.com](mailto:hamish.adam@richardjsmith.com) so we can resolve the issue, where possible. You also have the right to lodge a complaint about any use of your information with the Information Commissioners Office (ICO), the UK data protection regulator.