

LIQ03

Notice of progress report in voluntary winding up



Companies House

TUESDAY



A8W5BT55

A18

07/01/2020

#130

COMPANIES HOUSE

1 Company details

Company number 0 4 0 8 1 9 7 9

Company name in full Bioenergy Technology Limited

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

2 Liquidator's name

Full forename(s) Nedim

Surname Ailyan

3 Liquidator's address

Building name/number 142-148 Main Road

Street Sidcup

Post town Kent

County/Region

Postcode D A 1 4 6 N Z

Country

4 Liquidator's name ①

Full forename(s)

Surname

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

5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

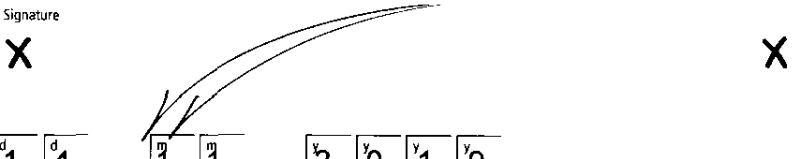
Postcode

Country

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

LIQ03

Notice of progress report in voluntary winding up

| | | | | | | | | | | | | |
|---|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|--|--|--|--|
| 6 | Period of progress report | | | | | | | | | | | |
| From date | ^d 0 | ^d 8 | ^m 1 | ^m 1 | ^y 2 | ^y 0 | ^y 1 | ^y 8 | | | | |
| To date | ^d 0 | ^d 7 | ^m 1 | ^m 1 | ^y 2 | ^y 0 | ^y 1 | ^y 9 | | | | |
| 7 | Progress report | | | | | | | | | | | |
| <input checked="" type="checkbox"/> The progress report is attached | | | | | | | | | | | | |
| 8 | Sign and date | | | | | | | | | | | |
| Liquidator's signature | Signature  | | | | | | | | | | | |
| Signature date | ^d 1 | ^d 4 | ^m 1 | ^m 1 | ^y 2 | ^y 0 | ^y 1 | ^y 9 | | | | |

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**Presenter information**

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **Chris O'Dwyer**Company name **Abbott Fielding Limited**Address **142-148 Main Road****Sidcup**Post town **Kent**

County/Region

Postcode

D A 1 4 6 N Z

Country

DX

Telephone

020 8302 4344**Checklist**

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.

**Important information**

All information on this form will appear on the public record.

**Where to send**

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.

**Further information**

For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

TO ALL KNOWN MEMBERS AND CREDITORS

02 January 2020

Our Ref: npa/chm/co.bioe001.cvl.12

Your Ref:

Dear Sirs

BIOENERGY TECHNOLOGY LIMITED - IN LIQUIDATION

I refer to my appointment as Liquidator on 8 November 2018. This is my report on the progress made in the liquidation for the period 8 November 2018 to 7 November 2019.

Abbott Fielding Limited uses personal information in order to fulfil the legal obligations of our Insolvency Practitioners under the Insolvency Act and other relevant legislation, and also to fulfil the legitimate interests of keeping creditors and others informed about the insolvency proceedings. You can find more information on how Abbott Fielding Limited uses your personal information on our website at www.abbottfielding.co.uk/privacy-policy/.

If creditors have any queries relating to the conduct of the liquidation, or if they want hard copies of any of the documents, they should contact Chris O'Dwyer by email at chris@abbottfielding.co.uk, or by phone on 020 8302 4344.

Yours faithfully


Nedim Ailyan
Liquidator

Nedim Ailyan is licensed in the United Kingdom to act as an insolvency practitioner by The Insolvency Practitioners Association

:abbott:fielding:

142/148 Main Road : Sidcup : Kent : DA14 6NZ
Tel: 020 8302 4344 : Fax: 020 8309 9178
info@abbottfielding.co.uk : www.abbottfielding.co.uk

Insolvency Practitioners act as agents only and without personal liability

Abbott Fielding Limited registered in England No: 05588036 Registered Office: Lynwood House, Crofton Road, Orpington, BR6 8QE

Abbott Fielding Limited's privacy policy is available at www.abbottfielding.co.uk

BIOENERGY TECHNOLOGY LIMITED - IN LIQUIDATION

LIQUIDATOR'S PROGRESS REPORT TO MEMBERS AND CREDITORS FOR THE YEAR ENDED 7 NOVEMBER 2019

I enclose for your information:

1. A receipts and payments account for the period from 8 November 2018 to 7 November 2019,
2. A summary of my firm's time costs from 8 November 2018 to 7 November 2019,
3. A description of the routine work undertaken since my appointment as Liquidator,
4. Details of my firm's practice fee recovery policy.

STATUTORY INFORMATION

| | |
|-----------------------------------|--|
| Company Name: | Bioenergy Technology Limited |
| Company Number: | 04081979 |
| Current Registered Office: | 142/148 Main Road, Sidcup, Kent, DA14 6NZ |
| Former Registered Office: | The Old Casino, 28 Fourth Avenue, Hove, East Sussex, BN3 2PJ |
| Trading Address: | Farley's Farm Yard, Middles Green, Chiddingfold, BN8 6HW |
| Liquidator's Name / Number: | Nedim Ailyan (9072) |
| Liquidator's Date of Appointment: | 8 November 2018 |

LIQUIDATOR'S ACTIONS SINCE APPOINTMENT

The purpose of this report is to provide details of the progress of the liquidation during the reporting period.

Within the period covered by this report I have ensured that my statutory requirements have been adhered to and all other duties in relation to the management of the case have been completed.

I have also taken steps to recover the Company's assets and undertake investigations, as detailed under the relevant headings below.

There is certain work that I am required by the insolvency legislation to undertake in connection with the liquidation that provides no financial benefit for the creditors. A description of the routine work undertaken since my appointment as Liquidator is attached.

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RECEIPTS AND PAYMENTS ACCOUNT

My receipts and payments account for the period from 8 November 2018 to 7 November 2019 is attached.

There have been no receipts and payments in the period.

ASSETS

Improvement to Property

Improvement to property had a book value of £17,159 in the director's estimated statement of affairs, (the "ESoA") but it was not expected to have any realisable value. The landlord confirmed that they had taken possession of the property and as such no recoveries have been achieved.

Office Furniture & Equipment

The Company held various items including tables and chairs as well as various other sundry items associated with the business. The landlord confirmed that they had taken possession of the Company premises and assets, which had been sold to offset rent arrears. Investigations regarding a van remain ongoing.

Book Debts

According to the Directors SoA, it was estimated that the Company had an outstanding sales ledger of £39,237.87. A provision of 25% had been made for bad debts, giving an estimated to realise figure of £29,428.41. Due to limited information and the age of the debt to date, no monies have been recovered, however this matter remains ongoing.

Investments

Investments had a book value of £27,552 in the ESoA but no realisable value is expected. This related to an investment in Lignatherm Limited which was struck off the Company register in 2016. Based on the last accounts filed the Company showed a deficit of £24,115 and therefore it was not considered economic to incur the costs of re installing the Company as recoveries were unlikely.

LIABILITIES

Secured Creditors

An examination of the Company's mortgage register held by the Registrar of Companies, showed that the Company has granted the following charges:

Lloyds TSB Bank Plc holds a fixed and floating charge, registered at Companies House, over all of the Company's assets dated 10 May 2002 and are shown in the directors estimated statement of affairs as being owed £36,343.71. To date I have not received a secured claim from Lloyds TSB Bank Plc.

The legislation requires that if the Company has created a floating charge after 15 September 2003, a prescribed part of the Company's net property (i.e. the money that would otherwise be available to the charge holder) should be ring-fenced for distribution to unsecured creditors. In this case the floating charge was created prior to 15 September 2003 such that the prescribed part provisions do not apply.

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Preferential Creditors

The ESoA anticipated £601.96 in preferential claims. Claims totaling £307.34 have been received.

Non-Preferential Unsecured Creditors

The ESoA included non-preferential unsecured creditors with an estimated total liability of £490,938.01, of which £14,701.35 was attributable to HM Revenue & Customs. I have received unsecured claims from creditors at a total of £161,104.62, which includes a final claim of £73,201.80 from HM Revenue & Customs. There is a difference in the amount received from HM Revenue & Customs due to VAT and PAYE underpayments being claimed. I have not received claims from creditors with original estimated claims in the Statement of Affairs of £341,643.32.

DIVIDENDS

Secured creditors

Based on current information I anticipate that it is uncertain that there will be a dividend to the secured creditor.

Preferential Creditors

Based on current information it is currently uncertain whether there will be a dividend to the preferential creditors.

Non-preferential Unsecured Creditors

Based on current information it is unlikely that there will be a dividend to unsecured creditors.

As previously advised, the Company gave a floating charge to Lloyds TSB Bank Plc on 10 May 2002. In this case the floating charge was created prior to 15 September 2003 such that the prescribed part provisions do not apply.

INVESTIGATION INTO THE AFFAIRS OF THE COMPANY

I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved. I am required by the Statements of Insolvency Practice to undertake such an initial investigation and the work detailed below has been undertaken in connection with that initial investigation. Specifically, I recovered, listed and reviewed the Company's accounting records; obtained and reviewed copy bank statements for the 24 months prior to the Company ceasing to trade from the Company's bankers.

As noted above, investigations regarding a van remain ongoing. There are no further matters that justified investigations in the circumstances of this appointment.

Within three months of my appointment as Liquidator, I am required to submit a confidential report to the Secretary of State to include any matters which have come to my attention during the course of my work which may indicate that the conduct of any past or present Director would make them unfit to be concerned with the management of the Company. I would confirm that my report has been submitted.

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PRE-APPOINTMENT REMUNERATION

The board previously authorised the payment of a fee of £2,000 plus VAT, plus disbursements, for my assistance with preparing the statement of affairs and arranging the deemed consent procedure for creditors to appoint a liquidator on 4 October 2018.

£900 was paid to Abbott Fielding Limited for preparing the statement of affairs and arranging the deemed consent. £1,500 is as yet unpaid as insufficient realisations have been made to date.

LIQUIDATOR'S REMUNERATION

My total time costs to 7 November 2019 amount to £9,607.00, representing 37.60 hours work at a blended charge out rate of £255.51 per hour.

A schedule of my time costs incurred to date is attached.

In the absence of sufficient asset realisations from which to draw remuneration I do not currently propose to seek creditor's approval to the basis and or quantum of my remuneration. As such there is no approval in place to enable me to draw any remuneration and none has been or will be drawn in the absence of such approval.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. A copy of 'A Creditors' Guide to Liquidators' fees' also published by R3 can be obtained from our website at <http://www.abbottfielding.co.uk/information-for-creditors/>. Please note that there are different versions of the guidance notes, and in this case you should refer to the April 2017 version. Alternatively a hard copy is available on request. A copy of my firm's practice fee recovery policy is enclosed.

LIQUIDATOR'S EXPENSES

I have incurred expenses to 7 November 2019 of £634.06.

I have not been able to draw any expenses in this matter.

I have incurred the following expenses in the period since my appointment as Liquidator:

| Type of expense | Amount Incurred/Accrued in reporting period |
|-----------------|---|
| Advertising | 154.20 |
| Bond | 296.00 |
| Postage | 22.43 |
| Storage | 161.43 |
| | |
| Total | 634.06 |

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FURTHER INFORMATION

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

To comply with the Provision of Services Regulations, some general information about Abbott Fielding Limited can be found at <http://www.abbottfielding.co.uk/information-for-creditors/>

SUMMARY

The liquidation will remain open until the matters relating to book debts have been fully resolved. I estimate that this will take approximately 8-9 months and once resolved the liquidation will be finalised and my files closed.

If creditors have any queries relating to the conduct of the liquidation, or if they want hard copies of any of the documents, they should contact Chris O'Dwyer by email at chris@abbottfielding.co.uk, or by phone on 020 8302 4344.

Yours faithfully



Nedim Ailyan
Liquidator

Nedim Ailyan is licensed in the United Kingdom to act as an insolvency practitioner by The Insolvency Practitioners Association

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SIP 9 - Time & Cost Summary

Period: 08/11/18..07/11/19

Time Summary

| Hours | | | | | | Time Cost (£) | Average hourly rate (£) |
|---------------------------------|---------|---------|----------------------------|----------------------------|-------------|---------------|-------------------------|
| Classification of work function | Partner | Manager | Other Senior Professionals | Assistants & Support Staff | Total Hours | | |
| Administration & planning | 1.00 | 0.00 | 0.00 | 8.90 | 9.90 | 2,592.00 | 261.82 |
| Investigations | 1.00 | 1.00 | 0.00 | 13.50 | 15.50 | 3,727.00 | 240.45 |
| Realisations of assets | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Trading | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Creditors | 1.00 | 4.40 | 0.00 | 6.80 | 12.20 | 3,288.00 | 269.51 |
| Case specific matters | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total Hours | 3.00 | 5.40 | 0.00 | 29.20 | 37.60 | 9,607.00 | 255.51 |
| Total Fees Claimed | | | | | | 0.00 | |

Bioenergy Technology Limited
(In Liquidation)
LIQUIDATOR'S RECEIPTS AND PAYMENTS ACCOUNT

| | Statement of affairs £ | From 08/11/2018 To 07/11/2019 £ | From 08/11/2018 To 07/11/2019 £ |
|------------------------------|------------------------------|---------------------------------------|---------------------------------------|
| RECEIPTS | | | |
| Office Equipment | NIL | 0.00 | 0.00 |
| Book Debts | 29,428.00 | 0.00 | 0.00 |
| Investments | NIL | 0.00 | 0.00 |
| Improvement to Property | NIL | 0.00 | 0.00 |
| | | <u>0.00</u> | <u>0.00</u> |
| PAYMENTS | | | |
| Employee Arrears/Hol Pay | (601.96) | 0.00 | 0.00 |
| Floating Charge Creditor | (36,343.00) | 0.00 | 0.00 |
| Trade & Expense Creditors | (14,444.36) | 0.00 | 0.00 |
| Employees | (62,435.49) | 0.00 | 0.00 |
| Director's loan account | (292,103.10) | 0.00 | 0.00 |
| Banks/Institutions | (36,343.71) | 0.00 | 0.00 |
| HM Revenue and Customs - VAT | (14,701.35) | 0.00 | 0.00 |
| Loan | (70,910.00) | 0.00 | 0.00 |
| Ordinary Shareholders | (50,040.00) | 0.00 | 0.00 |
| | | <u>0.00</u> | <u>0.00</u> |
| Net Receipts/(Payments) | | <u>0.00</u> | <u>0.00</u> |
| MADE UP AS FOLLOWS | | | |
| | | <u>0.00</u> | <u>0.00</u> |

A description of the routine work undertaken since my appointment as Liquidator

1. Administration

This represents the work involved in the routine administrative functions of the case by the office holder and their staff, together with the control and supervision of the work done on the case by the office holder and their managers. It does not give direct financial benefit to the creditors, but has to be undertaken by the office holder to meet their requirements under the insolvency legislation and the Statements of Insolvency Practice, which set out required practice that office holders must follow.

- Case planning - devising an appropriate strategy for dealing with the case and giving instructions to the staff to undertake the work on the case.
- Setting up physical case files.
- Setting up the case on the practice's electronic case management system and entering data.
- Issuing the statutory notifications to creditors and other required on appointment as office holder, including gazetting the office holder's appointment.
- Obtaining a specific penalty bond.
- Convening a decision procedure to seek a decision from creditors to approve the officeholders' remuneration.
- Dealing with all routine correspondence and emails relating to the case.
- Opening, maintaining and managing the office holder's estate bank account.
- Creating, maintaining and managing the office holder's cashbook.
- Undertaking regular bank reconciliations of the bank account containing estate funds.
- Reviewing the adequacy of the specific penalty bond on a quarterly basis.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case by case administrators.
- Filing returns at Companies House.

2. Creditors

Employees - The office holder needs to deal with the ex-employees in order to ensure that their claims are processed appropriately by the Redundancy Payments Office (RPO). The office holder is required to undertake this work as part of their statutory functions.

Claims of creditors - the office holder needs to maintain up to date records of the names and addresses of creditors, together with the amounts of their claims as part of the management of the case, and to ensure that notices and reports can be issued to the creditors. The office holder also needs to deal with correspondence and queries received from creditors regarding their claims and dividend prospects as they are received. The office holder is required to undertake this work as part of his statutory functions.

- Obtaining information from the case records about employee claims.
- Completing documentation for submission to the Redundancy Payments Office.
- Corresponding with employees regarding their claims.
- Liaising with the Redundancy Payments Office regarding employee claims.
- Dealing with creditor correspondence, emails and telephone conversations regarding their claims.
- Maintaining up to date creditor information on the case management system.
- Reviewing proofs of debt received from creditors.

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PRACTICE FEE RECOVERY POLICY FOR ABBOTT FIELDING LIMITED

Introduction

The insolvency legislation was changed in October 2015, with one or two exceptions, for insolvency appointments made from that time. This sheet explains how we intend to apply the alternative fee bases allowed by the legislation when acting as office holder in insolvency appointments. The legislation allows different fee bases to be used for different tasks within the same appointment. The fee basis, or combination of bases, set for a particular appointment is/are subject to approval, generally by a committee if one is appointed by the creditors, failing which the creditors in general meeting, or the Court.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. Details about how an office holder's fees may be approved for each case type are available in a series of guides issued with Statement of Insolvency Practice 9 (SIP 9) and can be accessed at <http://www.abbottfielding.co.uk/information-for-creditors/>. Alternatively a hard copy is available on request. Please note that we have provided further details in this policy document.

Once the basis of the office holder's remuneration has been approved, a periodic report will be provided to any committee and also to each creditor. The report will provide a breakdown of the remuneration drawn. If approval has been obtained for remuneration on a time costs basis, i.e. by reference to time properly spent by members of staff of the practice at our standard charge out rates, the time incurred will also be disclosed, whether drawn or not, together with the average, or "blended" rates of such costs. Under the legislation, any such report must disclose how creditors can seek further information and challenge the basis on which the fees are calculated and the level of fees drawn in the period of the report. Once the time to challenge the office holder's remuneration for the period reported on has elapsed, then that remuneration cannot subsequently be challenged.

Under some old legislation, which still applies for insolvency appointments commenced before 6 April 2010, there is no equivalent mechanism for fees to be challenged.

Time cost basis

When charging fees on a time costs basis we use charge out rates appropriate to the skills and experience of a member of staff and the work that they perform. This is combined with the amount of time that they work on each case, recorded in 6 minute units with supporting narrative to explain the work undertaken.

Chargeout Rates

| Grade of staff | Current charge-out rate per hour, effective from 1 February 2019 £ | Previous charge-out rate per hour, effective from 1 February 2016 £ |
|-----------------------------|---|--|
| Partner – appointment taker | 375-540 | 365-520 |
| Managers | 300-390 | 280-370 |
| Administrators | 200-290 | 190-280 |
| Support Staff | 200-240 | 190-220 |

These charge-out rates charged are reviewed on an annual basis and are adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. The work is generally recorded under the following categories:

- Administration and Planning.
- Investigations.
- Realisation of Assets.
- Creditors.
- Trading
- Case specific matters.

In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and on new appointments although we will generally continue to seek fees on a time cost basis in some circumstances we may seek time costs for the following categories:

- Investigations

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When we seek time costs approval we have to set out a fees estimate. That estimate acts as a cap on our time costs so that we cannot draw fees of more than the estimated time costs without further approval from those who approved our fees. When seeking approval for our fees, we will disclose the work that we intend to undertake, the hourly rates we intend to charge for each part of the work, and the time that we think each part of the work will take. We will summarise that information in an average or "blended" rate for all of the work being carried out within the estimate. We will also say whether we anticipate needing to seek approval to exceed the estimate and, if so, the reasons that we think that may be necessary.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If we subsequently need to seek authority to draw fees in excess of the estimate, we will say why we have exceeded, or are likely to exceed the estimate; any additional work undertaken, or proposed to be undertaken; the hourly rates proposed for each part of the work; and the time that the additional work is expected to take. As with the original estimate, we will say whether we anticipate needing further approval and, if so, why we think it may be necessary to seek further approval.

Percentage basis

The legislation allows fees to be charged on a percentage of the value of the property with which the office holder has to deal (realisations and/or distributions). Different percentages can be used for different assets or types of assets. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a percentage basis more often. A report accompanying any fee request will set out the potential assets in the case, the remuneration percentage proposed for any realisations and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval, but must be disclosed to help put the remuneration request into context.

The percentage approved in respect of realisations will be charged against the assets realised, and where approval is obtained on a mixture of bases, any fixed fee and time costs will then be charged against the funds remaining in the liquidation after the realisation percentage has been deducted.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a percentage basis then an increase in the amount of the percentage applied can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the percentage applied. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

Fixed fee

The legislation allows fees to be charged at a set amount. Different set amounts can be used for different tasks. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a fixed fee basis more often. A report accompanying any fee request will set out the set fee that we proposed to charge and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval, but must be disclosed to help put the remuneration request into context.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a fixed fee basis then an increase in the amount of the fixed fee can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the fixed fee. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

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Members' voluntary liquidations and Voluntary Arrangements

The legislation changes that took effect from 1 October 2015 did not apply to members' voluntary liquidations (MVL), Company Voluntary Arrangements (CVA) or Individual Voluntary Arrangements (IVA). In MVLs, the company's members set the fee basis, often as a fixed fee. In CVAs and IVAs, the fee basis is set out in the proposals and creditors approve the fee basis when they approve the arrangement.

All bases

With the exception of Individual Voluntary Arrangements and Company Voluntary Arrangements which are VAT exempt, the officeholder's remuneration invoiced to the insolvent estate will be subject to VAT at the prevailing rate.

Agent's Costs

Charged at cost based upon the charge made by the Agent instructed, the term Agent includes:

- Solicitors/Legal Advisors
- Auctioneers/Valuers
- Accountants
- Quantity Surveyors
- Estate Agents
- Other Specialist Advisors

In new appointments made after 1 October 2015, the office holder will provide details of expenses to be incurred, or likely to be incurred, when seeking fee approval. When reporting to the committee and creditors during the course of the insolvency appointment the actual expenses incurred will be compared with the original estimate provided.

Disbursements

In accordance with SIP 9 the basis of disbursement allocation in respect of disbursements incurred by the Office Holder in connection with the administration of the estate must be fully disclosed to creditors. Disbursements are categorised as either Category 1 or Category 2.

Category 1 expenses are directly referable to an invoice from a third party, which is either in the name of the estate or Abbott Fielding Limited; in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the estate. These disbursements are recoverable in full from the estate without the prior approval of creditors either by a direct payment from the estate or, where the firm has made payment on behalf of the estate, by a recharge of the amount invoiced by the third party. Examples of category 1 disbursements are statutory advertising, external meeting room hire, external storage, specific bond insurance and Company search fees.

Category 2 expenses are incurred by the firm and recharged to the estate; they are not attributed to the estate by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full from the estate, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of category 2 disbursements are photocopying, internal room hire, internal storage and mileage.

It is proposed that the following Category 2 disbursements are recovered:

| | | | |
|--------------|--------------|-----|-------|
| Mileage | 50p per mile | | |
| Photocopying | 10p | per | sheet |

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