

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

For further information, please  
refer to our guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

<b>1</b>	<b>Company details</b>	
Company number	0 5 3 9 6 8 6 6	<b>→ Filing in this form</b> Please complete in typescript or in bold black capitals.
Company name in full	EZDK Steel (UK) Limited	
<b>2</b>	<b>Liquidator's name</b>	
Full forename(s)	Malcolm	
Surname	Cohen	
<b>3</b>	<b>Liquidator's address</b>	
Building name/number	55 Baker Street	
Street	London	
Post town		
County/Region		
Postcode	W 1 U 7 E U	
Country		
<b>4</b>	<b>Liquidator's name ①</b>	
Full forename(s)	Antony	<b>① Other liquidator</b> Use this section to tell us about another liquidator.
Surname	Nygate	
<b>5</b>	<b>Liquidator's address ②</b>	
Building name/number	55 Baker Street	<b>② Other liquidator</b> Use this section to tell us about another liquidator.
Street	London	
Post town		
County/Region		
Postcode	W 1 U 7 E U	
Country		

# LIQ03

## Notice of progress report in voluntary winding up

### 6 Period of progress report

From date	<sup>d</sup> 0	<sup>d</sup> 6	<sup>m</sup> 0	<sup>m</sup> 7	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0
To date	<sup>d</sup> 0	<sup>d</sup> 5	<sup>m</sup> 0	<sup>m</sup> 7	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 1

### 7 Progress report

☒ The progress report is attached

### 8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

<sup>d</sup> 0	<sup>d</sup> 1	<sup>m</sup> 0	<sup>m</sup> 9	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 1
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LIQ03

Notice of progress report in voluntary winding up



**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 **Malcolm Cohen**

Company name **BDO LLP**

Address **5 Temple Square**

**Temple Street**

Post town **Liverpool**

County/Region

Postcode 

L	2		5	R	H		
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Country

DX

Telephone **01512 374 500**



**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](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto: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](http://www.gov.uk/companieshouse)**

**EZDK Steel (UK) Limited**  
**(In Liquidation)**  
**Creditors' Voluntary Liquidators' Summary of Receipts & Payments**

Statement of Affairs £	From 06/07/2020 To 05/07/2021 £	From 06/07/2012 To 05/07/2021 £
FIXED CHARGE ASSETS		
Leasehold Property (1)	NIL	90.00
	NIL	(90.00)
ASSET REALISATIONS		
Administration Surplus	NIL	36,099.97
Bank - Deposit Surplus	NIL	10,976.54
Bank Interest Gross	NIL	1,110.72
Settlement proceeds	NIL	350,000.00
VAT Refund	NIL	16,674.77
	NIL	414,862.00
COST OF REALISATIONS		
Agents/Valuers Fees (1)	NIL	140.00
Bank Charges	NIL	30.00
Corporation Tax	(24.13)	122.36
Court Fees	NIL	10,000.00
Legal Fees (2)	NIL	136,080.71
Liquidator's Fees	NIL	100,000.00
Storage Costs	NIL	508.55
	24.13	(246,881.62)
	<b>24.13</b>	<b>167,890.38</b>
REPRESENTED BY		
Bank 2 Current		120,634.33
Vat Input		47,256.05
		<b>167,890.38</b>

TO ALL CREDITORS AND MEMBERS

1 September 2021

Our Ref 00179927/MC/OC/C2

Please ask for  
Olivia Craven  
0151 227 4562  
BRCMTLondonandSouthEast@bdo.co.uk

Dear Madams/Sirs

**EZDK Steel (UK) Limited - In Creditors' Voluntary Liquidation ('the Company')**  
**Registered number: 05396866**

I set out below an annual progress report in accordance with Section 104A of the Insolvency Act 1986 and Rules 18.3 and 18.7 of the Insolvency (England and Wales) Rules 2016 ('the Rules'). This report covers the period from 6 July 2020 to 5 July 2021 ('the Period') and should be read in conjunction with my previous reports circulated to creditors.

**Professional information regarding the Joint Liquidators**

The Joint Liquidators are Malcolm Cohen (officeholder No: 6825) and Antony Nygate (officeholder No: 9237) both of BDO LLP, 55 Baker Street, London, W1U 7EU. The Joint Liquidators were appointed on 6 July 2012 and carry out their functions jointly and severally meaning any action can be done by one Liquidator or by both of them.

**Receipts & Payments**

I attach for your information a summary of my Receipts and Payments account, analysed to show activity in the last year compared to the whole of the Liquidation. The account shows a balance in hand of £167,890.

The transactions shown are largely self-explanatory.

**Costs in the Liquidation**

I provide a summary of the professional fees and expenses which have been incurred and paid in the Period and in the Liquidation to date, together with anticipated future costs.

Professional Fees and Expenses	Incurred in Period £	Incurred cumulatively £	Paid in the Period £	Paid cumulatively £	Future costs £
Agents/Valuers Fees	Nil	140.00	Nil	140.00	Nil
Legal Fees	Nil	136,080.71	Nil	136,080.71	Nil
Total	Nil	136,220.71	Nil	136,220.71	Nil

## **Progress of the Liquidation**

The Joint Liquidators have continued to perform their statutory duties in the Liquidation.

As mentioned in my previous report, following protracted negotiations with the parent companies in Egypt, a settlement was reached in respect of the outstanding amounts due to the Company and settlement proceeds in the sum of £350,000 were received in the Liquidation Estate.

The main remaining task in the Liquidation is the finalisation of the adjudication of creditor claims and the payment of a dividend to preferential and unsecured creditors of the Company. I discuss these in further detail in the sections below.

## **Assets**

Following the finalisation of the settlement agreement with the group companies in Egypt there remain no further assets to be realised.

A VAT return to reclaim VAT paid in respect of professional costs has been submitted to HMRC. Once the VAT reclaim has been received and the adjudication of creditor claims has been concluded a dividend will be paid to preferential and unsecured creditors.

I can confirm that there are no assets of a peculiar or special nature which cannot be sold. Consequently there has been no distribution of unsold assets to creditors, as mentioned in Rules 18.10/14.13 of the Insolvency (England & Wales) Rules 2016.

## **Future Prospects**

### Secured Creditors

There are no secured creditors in this Liquidation.

### Preferential Creditors

Preferential claims are defined as monies owed to former employees in respect of arrears of wages, capped at £800 per employee, and any accrued holiday pay as at the date of the Liquidation.

Based on available information, we expect preferential creditors to be paid in full.

### Unsecured Creditors & Prescribed Part

Following the settlement of all liquidation costs and the payment of preferential creditors, it is anticipated that there will be sufficient funds to allow for a dividend to be paid to unsecured creditors. We are currently in the process of adjudicating the claims received in the liquidation.

The majority of creditor claims have now been adjudicated. There remain a small number of creditors with substantial claims in the Liquidation whose claims have not yet been adjudicated. I have written to these creditors requesting further information in relation to their claims and will then proceed to finalise the adjudication. I expect this process to have been completed in the next three months.

Under Section 176A of the Insolvency Act 1986 where after 15 September 2003 a company has granted a floating charge to a secured creditor, a proportion of the net property of that company must be made available purely for the unsecured creditors.

The Company has not granted a floating charge to any creditor after 15 September 2003 and consequently the prescribed part provisions do not apply in this matter.

## **Investigations**

The Joint Liquidators have a duty to investigate the affairs of the Company and also the conduct of the directors and in respect of the latter, to submit a confidential statutory report to the Secretary of State. I confirm that a report has been submitted.

I have completed my review of the Company's affairs and assets to establish whether there are any actions that can be investigated for the benefit of the creditors and concluded there are no causes of action to be pursued.

## **Joint Liquidators' Remuneration**

Pursuant to the Rules, the Joint Liquidators are obliged to fix their remuneration in accordance with Rule 18.16. This permits remuneration to be fixed either:

- (1) as a percentage of the assets realised and distributed; and/or
- (2) by reference to the time the Joint Liquidators and the staff have spent attending to matters in the Liquidation; and/or
- (3) as a set amount; and/or
- (4) as a combination of the above.

The Joint Liquidators' remuneration has been approved by creditors on the basis of time properly spent in dealing with issues in the Liquidation.

To date the Joint Liquidators have drawn £100,000 in respect of remuneration as shown on the enclosed Receipts and Payments account.

BDO LLP changed time recording systems with effect from 17 April 2021.

I therefore attach three detailed reports of the time incurred by the Joint Liquidators for the periods:

- 6 July 2020 to 16 April 2021
- 6 July 2021 to 16 April 2022
- 17 April 2022 to 5 July 2022

The first and third reports in conjunction cover the time incurred by the Joint Liquidators in the Period. The second and third reports read in conjunction cover the time incurred since appointment.

In the Period, time costs of £26,477 have been incurred over 65 hours at an average hourly rate of £407.

Total time costs of £148,824 have been incurred over 472 hours at an average charge out rate of £315 per hour for the entirety of the Liquidation.

For guidance, I enclose a document that outlines the policy of BDO LLP in respect of fees and expenses.

#### **Joint Liquidators' Expenses**

Expenses have been incurred and paid in this Liquidation as detailed below.

Expenses	Incurred in Period £	Incurred cumulatively £	Paid in the Period £	Paid cumulatively £
Category 1				
Corporation Tax	Nil	122.36	(24.13)	122.36
Storage Costs	35.88	544.43	Nil	508.55
Statutory Advertising	Nil	416.47	Nil	Nil
Category 2				
Mileage	-	-	-	-
<b>Total</b>	-	416.47	(24.13)	630.91

The expenses shown are largely self-explanatory and no expenses have been paid during the Period. Storage costs of £35.88 have accrued in the Period.

#### **Creditors' rights**

I provide at the end of this report an extract from the Rules setting out the rights of creditors to request further information and/or challenge the remuneration or expenses within the Liquidation.

Creditors may access information setting out creditors' rights in respect of the approval of the Joint Liquidators' remuneration and on the rights, duties and functions of a liquidation committee at <https://www.bdo.co.uk/en-gb/insights/advisory/business-restructuring/creditors-guides>.

The Joint Liquidators are bound by the Insolvency Code of Ethics when carrying out all professional work relating to this appointment. A copy of the code can be found at: <https://www.icaew.com/technical/ethics/icaew-code-of-ethics/icaew-code-of-ethics>.

The Insolvency Service has established a central gateway for considering complaints in respect of Insolvency practitioners. In the event that you make a complaint to me but are not satisfied with the response from me then you should visit <https://www.gov.uk/complain-about-insolvency-practitioner> where you will find further information on how you may pursue the complaint.

If you require any further information please contact me or my colleague Olivia Craven at [BRCTLondonandSouthEast@bdo.co.uk](mailto:BRCTLondonandSouthEast@bdo.co.uk).

Yours faithfully





For and on behalf of  
EZDK Steel (UK) Limited

A handwritten signature in black ink, appearing to be 'M. Cohen', with a horizontal line drawn underneath the signature.

Malcolm Cohen  
Joint Liquidator  
Authorised by the Institute of Chartered Accountants in England & Wales in the UK

Enclosures  
Receipts and Payments Account  
SIP 9 Time Cost Report for the Period  
SIP 9 Time Cost Report for the whole of Liquidation  
BDO LLP Policy in respect of Fees and Disbursements  
Statement of Creditors' Rights in respect of Fees and Disbursements

**EZDK Steel (UK) Limited**  
**(In Liquidation)**  
**Creditors' Voluntary Liquidators' Summary of Receipts & Payments**

Statement of Affairs £	From 06/07/2020 To 05/07/2021 £	From 06/07/2012 To 05/07/2021 £
FIXED CHARGE ASSETS		
Leasehold Property (1)	NIL	90.00
	NIL	(90.00)
ASSET REALISATIONS		
Administration Surplus	NIL	36,099.97
Bank - Deposit Surplus	NIL	10,976.54
Bank Interest Gross	NIL	1,110.72
Settlement proceeds	NIL	350,000.00
VAT Refund	NIL	16,674.77
	NIL	414,862.00
COST OF REALISATIONS		
Agents/Valuers Fees (1)	NIL	140.00
Bank Charges	NIL	30.00
Corporation Tax	(24.13)	122.36
Court Fees	NIL	10,000.00
Legal Fees (2)	NIL	136,080.71
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Storage Costs	NIL	508.55
	24.13	(246,881.62)
	<b>24.13</b>	<b>167,890.38</b>
REPRESENTED BY		
Bank 2 Current		120,634.33
Vat Input		47,256.05
		<b>167,890.38</b>

Name of AssignmentEZDK Steel (UK) Limited-CVL00179927
Summary of Time Charged and Rates Applicable for the Period From 06/07/2020 to 16/04/2021

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV RT
	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	£
		£		£		£		£		£		£		£	
C. Planning and Strategy			0.70	478.00									0.70	478.00	682.8
D. General Administration			43.10	21,247.25			0.05	2.20	6.80	653.90			49.95	21,903.35	438.5
H. Creditor Claims			4.30	2,306.00									4.30	2,306.00	536.2
I. Reporting	0.45	352.35			0.20	26.20			4.80	781.35			5.45	1,159.90	212.8
	0.45	352.35	48.10	24,031.25	0.20	26.20	0.05	2.20	11.60	1,435.25	0.00	0.00			
													Net Total		60.4025,847.25
													Secretarial Expense		0.00
													Other Disbursements		0.00
													Billed		0.00
													Grand Total		25,847.25

Name of Assignment                      **EZDK Steel (UK) Limited-CVL**                      **00179927**

**Detail of Time Charged and Rates Applicable for the Period From 06/07/2012 to 16/04/2021**

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
<b>B. Steps on Appointment</b>														
02. Statutory Documentation	1.00	741.00	1.00	421.00									2.00	1,162.00
sub total -	1.00	741.00	1.00	421.00									2.00	1,162.00
<b>B. Steps on Appointment</b>														
<b>C. Planning and Strategy</b>														
07. Strategy Planning			22.70	11,903.40									22.70	11,903.40
sub total -			22.70	11,903.40									22.70	11,903.40
<b>C. Planning and Strategy</b>														
<b>D. General Administration</b>														
02. VAT			0.20	68.00					3.10	523.75			3.30	591.75
03. Taxation								2.10	350.50				2.10	350.50
04. Instruct/Liase Solicitors			24.90	8,919.40	3.00	825.00	3.00	735.00					30.90	10,479.40
05. Investigations			1.50	840.00	2.00	524.00							3.50	1,364.00
07. Receipts/Payments/Accounts			8.60	2,343.70	0.65	81.20	3.15	368.05	46.50	5,642.20	1.75	133.65	60.65	8,568.80
13. General Meetings								0.10	17.00				0.10	17.00
15. Gen. Admin./Correspondence	0.40	204.60	105.50	45,057.00	16.85	4,406.45	43.25	10,417.75	22.95	2,134.30	2.10	189.00	191.05	62,409.10
16. Maintain Internal Files			0.75	315.75					1.60	227.50			2.35	543.25
99. Other Matters							2.75	673.75					2.75	673.75

Name of Assignment      **EZDK Steel (UK) Limited-CVL**      **00179927**

**Detail of Time Charged and Rates Applicable for the Period From 06/07/2012 to 16/04/2021**

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
<b>sub total -</b>														
<b>D. General Administration</b>	<b>0.40</b>	<b>204.60</b>	<b>141.45</b>	<b>57,543.85</b>	<b>22.50</b>	<b>5,836.65</b>	<b>52.15</b>	<b>12,194.55</b>	<b>76.35</b>	<b>8,895.25</b>	<b>3.85</b>	<b>322.65</b>	<b>296.70</b>	<b>84,997.55</b>
<b>E. Assets Realisation/Dealing</b>														
03. Asset Tracing					4.40	1,152.80							4.40	1,152.80
04. Agent Instruction Liasing			13.60	4,437.55	2.60	715.00							16.20	5,152.55
07. Debt Collection	15.50	11,273.50	29.55	14,289.55			3.65	894.25					48.70	26,457.30
09. Dealing with other Assets			0.60	183.00									0.60	183.00
99. Other Matters							15.55	3,809.75					15.55	3,809.75
<b>sub total -</b>	<b>15.50</b>	<b>11,273.50</b>	<b>43.75</b>	<b>18,910.10</b>	<b>7.00</b>	<b>1,867.80</b>	<b>19.20</b>	<b>4,704.00</b>					<b>85.45</b>	<b>36,755.40</b>
<b>E. Assets Realisation/Dealing</b>														
<b>G. Employee Matters</b>														
99. Other Matters									0.50	56.00			0.50	56.00
<b>sub total -</b>				<b>0.00</b>					<b>0.50</b>	<b>56.00</b>			<b>0.50</b>	<b>56.00</b>
<b>G. Employee Matters</b>														
<b>H. Creditor Claims</b>														
04. Non-Preferential Creditors			4.30	2,306.00	2.80	770.00							7.10	3,076.00
<b>sub total -</b>			<b>4.30</b>	<b>2,306.00</b>	<b>2.80</b>	<b>770.00</b>							<b>7.10</b>	<b>3,076.00</b>
<b>H. Creditor Claims</b>														
<b>I. Reporting</b>														

Name of Assignment                      EZDK Steel (UK) Limited-CVL                      00179927

Detail of Time Charged and Rates Applicable for the Period From 06/07/2012 to 16/04/2021

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total
	£		£		£		£		£		£		£	
01. Statutory Reporting			0.60	123.00	2.45	320.95	1.95	232.05	28.30	2,827.10			33.30	3,503.10
04. Reporting to Creditors	2.95	2,081.35	4.10	1,903.10			8.30	2,033.50	4.25	722.50			19.60	6,740.45
sub total - I. Reporting	2.95	2,081.35	4.70	2,026.10	2.45	320.95	10.25	2,265.55	32.55	3,549.60			52.90	10,243.55
Net Total													148,193.90	
Secretarial Expense													0.00	
Other Disbursements													0.00	
Billed													0.00	
Grand Total													148,193.90	



**EZDK Steel (UK) Limited - In Creditors' Voluntary Liquidation**

**Summary of Time Charged and Rates Applicable for the Period from 17 April 2021 to 5 July 2021**

Activity	Partner	Director	Senior		Senior		Total hours	Time Costs	
			Manager	Manager	Executive	Executive		£	Av. Rate £/h
GENERAL	0.10		0.15		1.25	2.85	4.35	551.20	126.71
CREDITOR CLAIMS	0.10						0.10	78.80	788.00
<b>Total</b>	<b>0.20</b>		<b>0.15</b>		<b>1.25</b>	<b>2.85</b>	<b>4.45</b>	<b>630.00</b>	<b>141.57</b>



## **EZDK Steel (UK) Limited - In Liquidation**

In accordance with best practice I provide below details of policies of BDO LLP in respect of fees and expenses for work in relation to the Company.

The current charge out rates per hour of staff within my firm who may be involved in working on this case are:

<b>GRADE</b>	<b>£</b>
Partner	812
Director	340-681
Senior Manager	284-568
Manager	155-414
Senior Executive	124-290
Executive	76-152

This in no way implies that staff at all such grades will work on the case. The rates charged by BDO LLP are reviewed periodically and are adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case and the nature of the work undertaken is recorded at that time. Units of time can be as small as 3 minutes. BDO LLP records time for this case under the following categories:-

Pre Appointment  
Steps on Appointment  
Planning and Strategy  
General Administration  
Asset Realisation/Management  
Trading Related Matters  
Employee Matters  
Creditor Claims  
Reporting  
Distribution and Closure.

Under each of the above categories the work is recorded in greater detail in sub categories. Please note that the 10 categories provide greater detail than the six categories recommended by the Recognised Professional Bodies who are responsible for licensing and monitoring insolvency practitioners.

Where an officeholder's remuneration is approved on a time cost basis the time invoiced to the case will be subject to VAT at the prevailing rate.

Where remuneration has been approved on a time costs basis a periodic report will be provided to any committee appointed by the creditors or in the absence of a committee to the creditors. The report will provide a breakdown of the remuneration drawn and will enable the recipients to see the average rates of such costs.



## **Expenses**

Expenses including disbursements (costs incurred in the case which have been paid by the firm and are recharged to the estate) can be divided into two categories.

### **1) Category 1 expenses**

These are expenses relating directly to the estate incurred by an independent third party. In addition to professional fees and expenses, such expenses may include items such as bonding, advertising, insurance, external printing and postage costs, couriers, travel (by public transport), company and land registry searches, fees in respect of swearing legal documents and storage of the Company's records.

For cost effectiveness, ERA work is sub-contracted to ERA Solutions Limited who are experienced specialists in this area.

Creditor approval is not required to pay category 1 expenses.

### **2) Category 2 expenses**

These are expenses relating directly to the estate which have been incurred by an associated party or which have an element of shared costs.

We propose to recover from the estate the cost of travel where staff use either their own vehicles or company cars in travelling connected with the Company. In these cases a charge of 45p per mile is raised which is in line with the HM Revenue & Customs Approved Mileage Rates (median - less than 10,000 miles per annum) which is the amount the firm pays to staff.

Creditor approval is required to pay category 2 expenses from the estate.

Where applicable, expenses will be subject to VAT at the prevailing rate.

## **Statement from the Insolvency (England and Wales) Rules 2016 regarding the rights of creditors in respect of the Joint Liquidators' fees and expenses:**

### **Creditors' and members' requests for further information in administration, winding up and bankruptcy**

**18.9.**—(1) The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14—

- (a) a secured creditor;
  - (b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
  - (c) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;
  - (d) any unsecured creditor with the permission of the court; or
  - (e) any member of the company in a members' voluntary winding up with the permission of the court.
- (2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.
- (3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—
- (a) providing all of the information requested;
  - (b) providing some of the information requested; or
  - (c) declining to provide the information requested.
- (4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—
- (a) the time or cost of preparation of the information would be excessive; or
  - (b) disclosure of the information would be prejudicial to the conduct of the proceedings;
  - (c) disclosure of the information might reasonably be expected to lead to violence against any person; or
  - (d) the office-holder is subject to an obligation of confidentiality in relation to the information.
- (5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.
- (6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—
- (a) the office-holder giving reasons for not providing all of the information requested; or
  - (b) the expiry of the 14 days within which an office-holder must respond to a request.
- (7) The court may make such order as it thinks just on an application under paragraph (6).

### **Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive**

**18.34.**—(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

- (a) the remuneration charged by the office-holder is in all the circumstances excessive;
  - (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
  - (c) the expenses incurred by the office-holder are in all the circumstances excessive.
- (2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—
- (a) a secured creditor,
  - (b) an unsecured creditor with either—
    - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
    - (ii) the permission of the court, or
  - (c) in a members' voluntary winding up—
    - (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or

(ii) a member of the company with the permission of the court.

(3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ('the relevant report').

#### **Applications under rules 18.34 and 18.35 where the court has given permission for the application**

**18.36.**—(1) This rule applies to applications made with permission under rules 18.34 and 18.35.

(2) Where the court has given permission, it must fix a venue for the application to be heard.

(3) The applicant must, at least 14 days before the hearing, deliver to the office-holder a notice stating the venue and accompanied by a copy of the application and of any evidence on which the applicant intends to rely.

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the office-holder is entitled to charge;

(b) an order reducing any fixed rate or amount;

(c) an order changing the basis of remuneration;

(d) an order that some or all of the remuneration or expenses in question is not to be treated as expenses of the administration, winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the administrator or Liquidator or the administrator's or Liquidator's personal representative to the company, or

(ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;

(f) any other order that it thinks just.

(5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.

(6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration, winding up or bankruptcy.

#### **Applications under rule 18.34 where the court's permission is not required for the application**

**18.37.**—(1) On receipt of an application under rule 18.34 for which the court's permission is not required, the court may, if it is satisfied that no sufficient cause is shown for the application, dismiss it without giving notice to any party other than the applicant.

(2) Unless the application is dismissed, the court must fix a venue for it to be heard.

(3) The applicant must, at least 14 days before any hearing, deliver to the office-holder a notice stating the venue with a copy of the application and of any evidence on which the applicant intends to rely.

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the office-holder is entitled to charge;

(b) an order reducing any fixed rate or amount;

(c) an order changing the basis of remuneration;

(d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration or winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the administrator or Liquidator or the administrator's or Liquidator's personal representative to the company, or

(ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;

(f) any other order that it thinks just.

(5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.

(6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration or as winding up or bankruptcy.