

In accordance with
Rule 18.7 of the
Insolvency (England &
Wales) Rules 2016 and
Sections 92A, 104A and
192 of the Insolvency
Act 1986.

LIQ03

Notice of progress report in voluntary winding up



Companies House

FRIDAY



A9DV9295

A03

18/09/2020

#102

COMPANIES HOUSE

1 Company details

Company number 0 5 8 2 9 1 3 3

Company name in full Gelicity (UK) Limited

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

2 Liquidator's name

Full forename(s) Kerry

Surname Bailey

3 Liquidator's address

Building name/number 3 Hardman Street

Street Spinningfields

Post town Manchester

County/Region

Postcode M 3 3 A T

Country

4 Liquidator's name ①

Full forename(s) Edward

Surname Kerr

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

5 Liquidator's address ②

Building name/number 3 Hardman Street

Street Spinningfields

Post town Manchester

County/Region

Postcode M 3 3 A T

Country

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

LIQ03

Notice of progress report in voluntary winding up

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Period of progress report

From date	d	2	d	7	m	0	m	6	y	2	y	0	y	1	y	9
To date	d	2	d	6	m	0	m	6	y	2	y	0	y	2	y	0

7

Progress report

☒ The progress report is attached

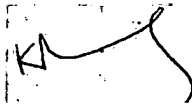
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Sign and date

Liquidator's signature

Signature

X



X

Signature date	d	1	d	8	m	0	m	9	y	2	y	0	y	2	y	0
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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 **Kerry Bailey**Company name **BDO LLP**Address **3 Hardman Street****Spinningfields**Post town **Manchester**

County/Region

Postcode

M**3****3****A****T**

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 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

Gelicity (UK) Limited
(In Liquidation)
Summary of Receipts & Payments

Statement of Affairs £		From 27/06/2019 To 26/06/2020 £	From 27/06/2018 To 26/06/2020 £
	HP ASSETS		
12,000.00	Bibby Equipment	NIL	NIL
(42,000.00)	HP - Bibby	NIL	NIL
6,000.00	Aldermore Equipment	NIL	NIL
(11,500.00)	HP - Aldermore	NIL	NIL
2,000.00	De Lage Landen Equipment	NIL	NIL
(4,600.00)	HP - De Lage Landen	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	ASSET REALISATIONS		
	Cash at Bank	NIL	19,616.15
	Contribution by Directors	NIL	7,000.00
	Interest Gross	38.01	66.35
300.00	Motor Vehicles	NIL	NIL
18,000.00	Plant & Machinery and Fixtures & Fitti	NIL	NIL
8,980.00	Stock	NIL	5,063.18
	Trademark	NIL	2,000.00
		<u>38.01</u>	<u>33,745.68</u>
	COST OF REALISATIONS		
	Agents' Fees & Disbs	NIL	5,300.00
	Bank Charges	NIL	4.40
	Insurance	NIL	168.00
	Joint Liquidators SOA Fee	NIL	10,000.00
	Liquidators' Disbursements	694.59	694.59
	Liquidators' Fees	15,000.00	15,000.00
	Payroll	NIL	240.60
	Professional Fees	NIL	1,500.00
	Re-direction of Mail	NIL	204.00
		<u>(15,694.59)</u>	<u>(33,111.59)</u>
	PREFERENTIAL CREDITORS		
(1,147.64)	Preferential - Holiday Pay	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	UNSECURED CREDITORS		
(5,387.52)	Bank of Scotland - Overdraft	NIL	NIL
(15,000.00)	Funding Circle Loan	NIL	NIL
(50,000.00)	HM Revenue & Customs - VAT	NIL	NIL
(524,808.00)	Trade & Expense Creditors	NIL	NIL
(102,000.00)	Unsecured Directors Loan	NIL	NIL
(30,774.52)	Unsecured Employees	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	DISTRIBUTIONS		
(1,500.00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(741,437.68)</u>		<u>(15,656.58)</u>	<u>634.09</u>
	REPRESENTED BY		
	Floating Current Account		634.09
			<u>634.09</u>

TO ALL KNOWN CREDITORS

18 September 2020

Our Ref KB/NN/00284917/A6

Please ask for
Nadine Naylor
0151 237 4655
BRCMT@bdo.co.uk

Dear Madams/Sirs

Gelicity (UK) Limited - In Creditors' Voluntary Liquidation ('the Company')
Registered number: 05829133

I set out below an annual progress report in accordance with Section 104A of the Insolvency Act 1986 and Rule 18.4 of the Insolvency (England and Wales) Rules 2016 ('the Rules'). This report covers the period 27 June 2019 to 26 June 2020 ('the Period') and should be read in conjunction with my previous report.

Professional information regarding the Joint Liquidators

The Joint Liquidators are Kerry Bailey (officeholder No: 8780) and Edward Kerr (officeholder No: 9021) both of BDO LLP, 3 Hardman Street, Spinningfields, Manchester, M3 3AT. The Joint Liquidators were appointed on 27 June 2018 and carry out their functions jointly and severally meaning any action can be done by one Liquidator or by both of them.

Receipts and Payments

I attach for your information a summary of my Receipts and Payments account, analysed to show activity in the Liquidation. The account shows a balance in hand of £634.

The transactions shown during the Period are largely self-explanatory.

The payments made in respect of the Joint Liquidators' fees and disbursements will be discussed later in this report.

Costs in the Liquidation

No professional fees or other expenses have been incurred during the Period. Details of the fees and expenses paid to date are as follows:

Agent Fees and Disbursements

Agents Wignall Brownlow LLP were paid a total of £5,300 plus VAT in respect of their assistance in realising the company's assets and providing advice to the Joint Liquidators.

Professional Fees

The Company's accountants Howard Worth were paid £1,500 plus VAT for their assistance in the preparation of the directors' statement of affairs.

Progress of the Liquidation

The Joint Liquidators are not aware of any additional Company assets to be realised or any further investigations which are required into the Company's affairs.

During the Period, the Joint Liquidators have dealt with their statutory obligations and are now taking steps to finalise the tax affairs of the Company and commence closure of the Liquidation.

Assets

As advised above, no further assets remain to be realised.

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.

Prospects to Creditors

Secured Creditors

There are no secured creditors in this Liquidation.

Preferential Creditors

Preferential claims are those of the former employees for arrears of wages, capped at £800 per employee, and any accrued holiday pay at the date of appointment.

As reported previously, the Company had 22 employees, all of which were made redundant by the directors shortly prior to the Liquidation appointment.

The directors' statement of affairs advised that preferential claims in this Liquidation are estimated at c£1k. It is anticipated that there will be insufficient funds to enable a distribution to preferential creditors.

Unsecured Creditors & Prescribed Part

The directors' Statement of Affairs advised that unsecured claims in this Liquidation were estimated at c£766k; claims totalling £695k have been received to date. It is anticipated that there will be insufficient funds to enable a distribution to unsecured creditors.

Under the provisions of Section 176A of the Insolvency Act 1986 the Liquidator must estimate the amount of funds available to unsecured creditors in respect of the prescribed part. This provision only applies where a company has granted a floating charge to a creditor after 15 September 2003.

The Company has not granted a floating charge to any creditor after the 15 September 2003 and consequently there will be no prescribed part in this Liquidation.

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 that 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 on the basis of time properly spent in dealing with issues in the Liquidation. To date, the Joint Liquidators have drawn £15,000 in respect of remuneration, all of which was drawn in the Period of this report, as shown on the enclosed Receipts and Payments account.

I attach two schedules detailing the time costs incurred to date. The first schedule covers the period of this report, 27 June 2019 to 26 June 2020. This records time costs of £5,213 which represents 36 hours spent at an average charge out rate of £145 per hour.

The second schedule covers the whole period of appointment and records time costs of £38,609 which represents 238 hours spent at an average charge out rate of £162 per hour.

Also attached is the Joint Liquidators' Fees Estimate annotated with a column showing the time costs accrued in respect of each activity together with a detailed description of the work undertaken.

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

Joint Liquidators' Disbursements

Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for these costs to be authorised. These are known as category 1 disbursements. Since my last report no category 1 disbursements have been incurred.

Some Liquidators recharge expenses, for example printing, photocopying and telephone costs, which cannot economically be recorded in respect of each specific case. Such expenses, which are apportioned to cases, require the approval of the creditors before they can be drawn, and these are known as category 2 disbursements. The policy of BDO LLP in respect of this appointment is not to charge any category 2 disbursements with the exception of mileage on the basis of the mileage scale approved by HMRC, being 45p per mile unless otherwise disclosed to the creditors. No category 2 disbursements have accrued during the Period.

Total disbursements of £695 have been incurred in this Liquidation as detailed below.

	Cat. 1 (£)	Cat. 2 (£)	Total (£)
Room Hire	131.76	-	131.76
Advertising	237.00	-	237.00
Bonding	200.00	-	200.00
Sundry	19.32	-	19.32
Mileage	-	106.51	106.51
Total	588.08	106.51	694.59

During the Period, all disbursements have been paid in full.

Creditors' rights

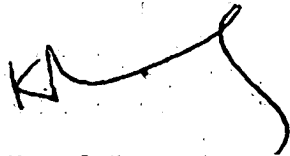
I provide at the end of this report an extract from the Rules setting out the rights of creditors to request further information and/or challenge the remuneration or expenses within the liquidation. Creditors may access information setting out creditors' rights in respect of the approval of the Joint Liquidators' remuneration at <https://www.bdo.co.uk/en-gb/insights/advisory/business-restructuring/creditors-guides>.

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.

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>.

If you require any further information please contact me or my colleague Nadine Naylor at BRCMT@bdo.co.uk.

Yours faithfully
For and on behalf of
Gelocity (UK) Limited



Kerry Bailey
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 Liquidation
Fees Estimate to Accrued Time Comparison
BDO LLP Policy in respect of Fees and Disbursements
Statement of Creditors' Rights in respect of Fees and Disbursements

Gelicity (UK) Limited
(In Liquidation)
Summary of Receipts & Payments

Statement of Affairs £		From 27/06/2019 To 26/06/2020 £	From 27/06/2018 To 26/06/2020 £
	HP ASSETS		
12,000.00	Bibby Equipment	NIL	NIL
(42,000.00)	HP - Bibby	NIL	NIL
6,000.00	Aldermore Equipment	NIL	NIL
(11,500.00)	HP - Aldermore	NIL	NIL
2,000.00	De Lage Landen Equipment	NIL	NIL
(4,600.00)	HP - De Lage Landen	NIL	NIL
		<hr/>	<hr/>
	ASSET REALISATIONS		
	Cash at Bank	NIL	19,616.15
	Contribution by Directors	NIL	7,000.00
	Interest Gross	38.01	66.35
300.00	Motor Vehicles	NIL	NIL
18,000.00	Plant & Machinery and Fixtures & Fitti	NIL	NIL
8,980.00	Stock	NIL	5,063.18
	Trademark	NIL	2,000.00
		<hr/>	<hr/>
		38.01	33,745.68
	COST OF REALISATIONS		
	Agents' Fees & Disbs	NIL	5,300.00
	Bank Charges	NIL	4.40
	Insurance	NIL	168.00
	Joint Liquidators SOA Fee	NIL	10,000.00
	Liquidators' Disbursements	694.59	694.59
	Liquidators' Fees	15,000.00	15,000.00
	Payroll	NIL	240.60
	Professional Fees	NIL	1,500.00
	Re-direction of Mail	NIL	204.00
		<hr/>	<hr/>
		(15,694.59)	(33,111.59)
	PREFERENTIAL CREDITORS		
(1,147.64)	Preferential - Holiday Pay	NIL	NIL
		<hr/>	<hr/>
	UNSECURED CREDITORS		
(5,387.52)	Bank of Scotland - Overdraft	NIL	NIL
(15,000.00)	Funding Circle Loan	NIL	NIL
(50,000.00)	HM Revenue & Customs - VAT	NIL	NIL
(524,808.00)	Trade & Expense Creditors	NIL	NIL
(102,000.00)	Unsecured Directors Loan	NIL	NIL
(30,774.52)	Unsecured Employees	NIL	NIL
		<hr/>	<hr/>
	DISTRIBUTIONS		
(1,500.00)	Ordinary Shareholders	NIL	NIL
		<hr/>	<hr/>
		NIL	NIL
		<hr/>	<hr/>
(741,437.68)		(15,656.58)	634.09
	REPRESENTED BY		
	Floating Current Account		634.09
			<hr/>
			634.09
			<hr/>

Name of Assignment **Gellicity (UK) Limited - In Creditors' Voluntary Liquidation** **00284917**
Summary of Time Charged and Rates Applicable for the Period From 27/06/2019 to 26/06/2020

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV R
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	
D. General Administration	0.05	25.55	2.20	559.80			1.70	100.95	17.40	1,333.50			21.35	2,119.80	99.2
E. Assets Realisation/Dealing			0.50	131.00									0.50	131.00	242.0
H. Creditor Claims			0.45	108.90					0.50	35.50			0.95	144.40	152.0
I. Reporting	1.00	549.00	7.00	1,807.00			2.05	161.95	3.00	210.00			13.05	2,527.95	216.7
	1.05	574.55	10.15	2,596.70	0.00	0.00	3.75	462.90	20.90	1,579.00	0.00	0.00			
														Net Total	35.85 5,213.15
														Secretarial Expense	0.00
														Other Disbursements	0.00
														Billed	0.00
														Grand Total	5,213.15

Name of Assignment **Gelcity (UK) Limited - In Creditors' Voluntary Liquidation** **00284917**

Summary of Time Charged and Rates Applicable for the Period From 27/06/2018 to 26/06/2020

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AVG
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	
B. Steps on Appointment			6.45	2,036.15	24.30	5,109.60	1.80	211.35	26.10	2,536.10			58.65	9,893.30	168.6
D. General Administration	0.80	425.30	20.45	5,290.05	3.45	731.40	3.95	471.90	36.90	3,076.60	0.10	11.60	65.65	10,006.85	152.4
E. Assets Realisation/Dealing	0.85	453.05	12.00	2,929.50	14.45	3,044.65			16.80	1,945.80			44.10	8,373.00	189.8
G. Employee Matters			1.45	281.95	4.70	985.15					15.05	1,029.25	21.20	2,296.35	108.3
H. Creditor Claims			1.75	414.40	13.25	2,809.00			11.00	913.00			26.00	4,136.40	159.0
I. Reporting	1.00	549.00	7.00	1,807.00			2.05	261.95	12.15	1,284.85			22.20	3,902.80	175.8
	2.65	1,427.35	49.10	12,759.15	60.15	12,679.80	7.80	945.20	102.95	9,756.35	15.15	1,040.85			

Net Total	237.80	38,608.70
Secretarial Expense		0.00
Other Disbursements		0.00
Billed		0.00
Grand Total		38,608.70

Gelocity (UK) Limited - In Creditors' Voluntary Liquidation

Fees Estimate to Accrued Time Comparison

Below is the original Fees Estimate annotated with a column showing the time costs accrued in respect of each activity.

Fees Estimate as at 26 June 2019 compared to accrued time to 26 June 2020				
Joint Liquidator's Fees	Total	Blended	Estimated	Accrued
	Hours	Rate	Fee	Time
		£	£	£
Summary Activity				
A. Pre Appointment Matters	0.00	0.00	0.00	0.00
TOTAL			0.00	0.00
B. Steps on Appointment	58.65	168.68	9,893.30	9,893.30
C. Planning and Strategy	0.00	0.00	0.00	0.00
D. General Administration	56.55	227.03	12,838.45	10,006.85
E. Assets Realisation/Dealing	43.60	189.27	8,252.00	8,373.00
F. Trading Related Matters	0.00	0.00	0.00	0.00
G. Employee Matters	21.20	108.32	2,296.35	2,296.35
H. Creditor Claims	27.05	186.75	5,051.60	4,136.40
I. Reporting	17.74	229.56	4,072.42	0.00
J. Distribution and Closure	13.64	208.84	2,847.49	3,902.80
TOTAL			45,251.60	38,608.70

The fees that have accrued are within the level of the approved fees estimate and I do not anticipate exceeding the estimate in this Liquidation.

Detail of Work Undertaken

Work undertaken during the Period has been in respect of dealing with the Joint Liquidators duties in the Liquidation. This includes complying with statutory reporting requirements and general administration of the Liquidation. The majority of this work is performed by Managers with Administrators providing assistance for the general administration matters.

Future work will be in respect of finalising the Company's tax affairs and commencing steps to close the Liquidation.



Gelicity (UK) Limited - In-Creditors' Voluntary 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 above insolvency.

The current charge out rates per hour of staff within my firm who may be involved in working on the insolvency, follows:

GRADE	£
Partner	549
Manager	242-380
Assistant Manager	218
Senior Administrator	206
Administrator	119-185
Other Staff	73-77

This in no way implies that staff at all such grades will work on the case. The rates charged by BDO LLP are reviewed on a regular 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. Units of time can be as small as 3 minutes. BDO LLP records work in respect of insolvency work under the following categories:-

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

Under each of the above categories the work is recorded in greater detail in sub categories. Please note that the 11 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.

1) Other Costs

Where expenses are incurred in respect of the insolvent estate they will be recharged. Such expenses can be divided into two categories.



2) Category 1

This heading covers expenses where BDO LLP has met a specific cost in respect of the insolvent estate where payment has been made to a third party. Such expenses may include items such as advertising, couriers, travel (by public transport), land registry searches, fees in respect of swearing legal documents etc. In each case the recharge will be reimbursement of a specific expense incurred.

3) Category 2

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 insolvency. 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. Where costs are incurred in respect of mileage, approval will be sought in accordance with the Insolvency (England and Wales) Rules 2016 to recover this disbursement.

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

BDO LLP
18 September 2020

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 joint administrator or joint Liquidator or the joint administrator's or joint 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 joint administrator or joint Liquidator or the joint administrator's or joint 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.