

AM10

Notice of administrator's progress report



Companies House

SATURDAY



A07 *A7ZXAF1L* 23/02/2019 #110
COMPANIES HOUSE

1 Company details

Company number 0 6 0 3 8 3 4 5

Company name in full GB Group Holdings Limited

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

2 Administrator's name

Full forename(s) Antony

Surname Nygate

3 Administrator's address

Building name/number 55

Street Baker Street

London

Post town

County/Region

Postcode W 1 U 7 E U

Country

4 Administrator's name ①

Full forename(s) Francis Graham

Surname Newton

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

5 Administrator's address ②

Building name/number Central Square

Street

Post town 29 Wellington Street

County/Region Leeds

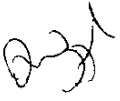
Postcode L S 1 4 D L

Country

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

AM10

Notice of administrator's progress report

6	Period of progress report																
From date	d	2	d	7	m	0	m	7	y	2	y	0	y	1	y	8	
To date	d	2	d	6	m	0	m	1	y	2	y	0	y	1	y	9	
7	Progress report																
<input checked="" type="checkbox"/> I attach a copy of the progress report																	
8	Sign and date																
Administrator's signature	Signature 																
Signature date	d	2	d	2	m	0	m	2	y	2	y	0	y	1	y	4	

AM10

Notice of administrator's progress report



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	Antony Nygate
Company name	BDO LLP
Address	5 Temple Square Temple Street
Post town	Liverpool
County/Region	
Postcode	L 2 5 R H
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

GB Group Holdings Limited
(In Administration)
Joint Administrators' Summary of Receipts & Payments

Statement of Affairs £		From 27/07/2018 To 26/01/2019 £	From 09/03/2015 To 26/01/2019 £
	FIXED CHARGE ASSETS		
50,000.00	Investments	NIL	NIL
550,000.00	Leasehold Property	NIL	600,000.00
		NIL	600,000.00
	FIXED CHARGE COSTS		
	Legal Fees	NIL	4,950.00
	Legal Disbursements	NIL	6.00
	Agents' Fees	NIL	15,500.00
	Agents' Disbursements	NIL	3,370.80
	Insurance & Service Charge	NIL	16,072.87
	Sundry	NIL	350.00
		NIL	(40,249.67)
	FIXED CHARGE CREDITORS		
	Secured Creditor - Lloyds	NIL	550,000.00
		NIL	(550,000.00)
	ASSET REALISATIONS		
130,000.00	Other debtors	NIL	37,200.00
	Insurance Refund	NIL	134,891.19
	Interest Gross	NIL	200.73
	Bank Interest Net of Tax	NIL	2.60
62,465.00	Amounts Due From Group Companies	NIL	NIL
	Sundry Refunds	NIL	3,191.52
		NIL	175,486.04
	COST OF REALISATIONS		
	Administrators' Fees	NIL	67,000.00
	Administrators' Disbursements	NIL	630.69
	Legal Fees & Disbursements	NIL	26,665.70
	Data Protection Fees	NIL	140.00
	Storage Costs	NIL	2,105.50
	Bank Charges	NIL	3.72
		NIL	(96,545.61)
	FLOATING CHARGE CREDTS		
	Secured Creditor - Lloyds	NIL	50,000.00
		NIL	(50,000.00)
792,465.00		NIL	38,690.76
	REPRESENTED BY		
	RBS Account		26,248.51
	Vat Control Account		12,442.25
			38,690.76



Tel: +44 (0)151 237 4500
Fax: +44 (0)151 237 4545
www.bdo.co.uk

5 Temple Square
Temple Street
Liverpool
L2 5RH

TO ALL KNOWN CREDITORS AND SHAREHOLDERS

22 February 2019

Our Ref - 00250655/C2/AN/DF
Please ask for
David Forster
0151 237 4530
Email BRCMT@bdo.co.uk

Dear Madams/Sirs

GB Group Holdings Limited - In Administration ('the Company')

It is now 47 months since my appointment in respect of the Company. In accordance with Rule 18.6 of the Insolvency (England and Wales) Rules 2016, I am now reporting the progress made in implementing the approved proposals and achieving the statutory purpose of the Administration for the period from 27 July 2018 to 26 January 2019 ('the Period'). This report should be read in conjunction with my previous reports.

1 Statutory Information

The Joint Administrators are Antony Nygate (officeholder number: 9237) of BDO LLP, 55 Baker Street, London, W1U 7EU and Francis Graham Newton (officeholder number: 9310) of BDO LLP, Central Square, 29 Wellington Street, Leeds, LS1 4DL and they were appointed in respect of the Company on 9 March 2015.

Under the provisions of Paragraph 100(2) of Schedule B1 to the Insolvency Act 1986, the Joint Administrators carry out their functions jointly and severally meaning any action can be done by one Administrator or by both of them.

The Joints Administrators were appointed by the directors of the Company, pursuant to Paragraph 22 of Schedule B1 to the Insolvency Act 1986. The Administration proceedings are dealt with in the High Court of Justice, Chancery Division and the court case number is 1668 of 2015.

The Company's registered office is situated at 55 Baker Street, London, W1U 7EU and the registered number is 06038345.

2 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 Administration. The account shows a balance in hand of £38,691.

There have been no receipts or payments during the Period.

3 Costs in the Administration

Pinsent Masons has incurred legal fees of £1,442 during the Period in connection with the extension of the Administration and advice required to assist in the collection of the Company's remaining assets. These fees are unpaid. A further c£250 of legal fees are anticipated to be incurred in relation the extension of the Administration.

In January 2019, we instructed Pythagoras Capital to pursue the outstanding loan from a former director of the Company. Pythagoras will be paid a fixed percent of realisations they achieve. No costs were incurred by Pythagoras during the Period.

4 Future of the Administration

Once the outstanding loan has been realised, it is the intention of the Joint Administrators to pay a distribution to unsecured creditors by way of the Prescribed Part. Further detail is provided in section 8 of this report.

5 Assets

The only remaining asset is an outstanding loan from a former director of the Company. Pythagoras Capital has been instructed to assist in the recovery of this loan.

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.

6 Investigations

The Joint Administrators 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.

7 Extension of Administration

The Administration is set to expire on 9 March 2019. An application to the Court is in process to extend the Administration to 8 March 2020. This extension is necessary in order to allow the Joint Administrators sufficient time to finalise outstanding matters including the collection of the remaining debt and paying a prescribed part distribution to creditors.

8 Prospects for Creditors

Secured Creditors

As at the date of the Administration, Lloyds Bank ('the Bank') was owed c£6.75m plus interest and accrued charges. The debt has been cross guaranteed by a number of

other GB Group Companies. The debt includes a group performance bond which has been claimed in full pending clarification of a formal call on the bond.

During the Administration, the Bank has received £550,000 under its fixed charge and security and £50,000 under its floating charge security. In total across the GB Group Companies the Bank has received £1.06m under its security. It is anticipated that the Bank will suffer a shortfall in respect of its security and if this remains the case there will be no additional return to unsecured creditors beyond any amounts available from the Prescribed Part.

Preferential Creditors

The Company did not have any employees and therefore has no preferential creditors.

Unsecured Creditors

To date, the Joint Administrators have received claims totalling £18,633,349 from unsecured creditors. Please note unsecured creditors' claims have yet to be verified or agreed.

Prescribed Part

Under the provisions of Section 176A of the Insolvency Act 1986, the Joint Administrators must state the amount of the 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 granted floating charge security to Lloyds Banking Group ('the Bank') in August 2013 so the prescribed part provisions will apply in this Administration. Based on current realisations, the estimated prescribed part available to unsecured creditors is c£15,000-20,000 before costs of distribution. The exact timing of the distribution is currently uncertain.

9 Joint Administrators' Remuneration

The Joint Administrators were 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 Administrators and the staff have spent attending to matters in the Administration; and/or
- (3) As a set amount; and/or
- (4) As a combination of the above.

The Joint Administrators remuneration was approved on the basis of time properly spent in dealing with issues in the Administration. To date, Joint Administrators have drawn £67,000 in respect of remuneration 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. This shows time costs of £14,275, which represents 46 hours spent at an average charge out rate of £310 per hour.

The second schedule covers the whole period of appointment and shows time costs of £159,825, which represents 484 hours spent at an average charge out rate of £330 per hour.

Work undertaken during the period includes liaising with agents and solicitors regarding the recovery of the remaining book debts, tax submissions, statutory reporting, prescribed part distribution planning including initial review of claims received and the application for extending the Administration.

For guidance, I enclose 'A creditors' guide to Administrators' fees', together with a document that outlines the policy of BDO LLP in respect of fees and disbursements.

10 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. No category 1 disbursements have been incurred since my last report.

Some Administrators 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 been incurred since my last report.

Total disbursements of £844 have been incurred in this Administration as detailed in the following table;

	Cat. 1 (£)	Cat. 2 (£)	Total (£)
Statutory Advertising	333.92	-	333.92
Bonding	200.00	-	200.00
Land Registry	3.00	-	3.00
PR Consultancy	191.58	-	191.58
Staff Travel	65.63	-	65.63
Mileage	-	50.34	50.34
Total	794.13	50.34	844.47

To date, disbursements of £630 have been drawn in the Administration. No disbursements were incurred or paid during the Period.

11 Creditor rights and enquiries

Creditors with the concurrence of at least 5% in value of the unsecured creditors may within 21 days of this report request in writing further information regarding the remuneration and expenses set out in this report. In accordance with Rule 18.9(3) of the Rules within 14 days of a request we will provide further information or explain why further information is not being provided. Creditors may access information setting out creditors' rights in respect of the approval of Administrator's remuneration at <https://www.r3.org.uk/what-we-do/publications/professional/fees>.

Creditors with the concurrence of at least 10% of the creditors may apply to the court if they consider that the remuneration of the administrators, or the basis fixed for the remuneration of the administrator or expenses charged by the administrator are excessive (Rule 18.34 of the Rules). Such an application must be made within 8 weeks of receiving this draft report. The text of Rules 18.9 and 18.34 are set out at the end of this report.

The Joint Administrators are bound by the Insolvency Code of Ethics when carrying out all professional work relating to this appointment. A copy of the code is at <http://www.icaew.com/en/members/regulations-standards-and-guidance/ethics/code-of-ethics-d>.

Creditors may access information setting out creditors' rights in respect of the approval of Joint Administrators' remuneration at <https://www.r3.org.uk/what-we-do/publications/professional/fees>.

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 David Forster at BRCMT@bdo.co.uk.

Yours faithfully
For and on behalf of
GB Group Holdings Limited



A D Nygate
Joint Administrator
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 of Report
SIP 9 Time Cost Report for the Period of Administration
BDO LLP Policy in respect of Fees and Disbursements
Statement of Creditors' Rights in respect of Fees and Disbursements

GB Group Holdings Limited
(In Administration)
Joint Administrators' Summary of Receipts & Payments

Statement of Affairs £		From 27/07/2018 To 26/01/2019 £	From 09/03/2015 To 26/01/2019 £
	FIXED CHARGE ASSETS		
50,000.00	Investments	NIL	NIL
550,000.00	Leasehold Property	NIL	600,000.00
		NIL	600,000.00
	FIXED CHARGE COSTS		
	Legal Fees	NIL	4,950.00
	Legal Disbursements	NIL	6.00
	Agents' Fees	NIL	15,500.00
	Agents' Disbursements	NIL	3,370.80
	Insurance & Service Charge	NIL	16,072.87
	Sundry	NIL	350.00
		NIL	(40,249.67)
	FIXED CHARGE CREDITORS		
	Secured Creditor - Lloyds	NIL	550,000.00
		NIL	(550,000.00)
	ASSET REALISATIONS		
130,000.00	Other debtors	NIL	37,200.00
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		NIL	175,486.04
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	Administrators' Disbursements	NIL	630.69
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	Storage Costs	NIL	2,105.50
	Bank Charges	NIL	3.72
		NIL	(96,545.61)
	FLOATING CHARGE CREDITS		
	Secured Creditor - Lloyds	NIL	50,000.00
		NIL	(50,000.00)
792,465.00		NIL	38,690.76
	REPRESENTED BY		
	RBS Account		26,248.51
	Vat Control Account		12,442.25
			38,690.76

Summary of Time Charged and Rates Applicable for the Period From 27/07/2018 to 26/01/2019

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV'G
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	
C. Planning and Strategy	0.25	133.25	5.30	2,369.10	0.15	19.05	0.60	75.40	3.90	478.40			5.30	2,369.10	447.0
D. General Administration			11.40	4,483.80									16.30	5,189.90	318.4
E. Assets Realisation/Dealing			3.00	1,225.40					1.50	310.50			3.00	1,225.40	408.4
G. Employee Matters													1.50	310.50	207.0
H. Creditor Claims			1.25	473.75					3.00	687.00			4.25	1,160.75	273.1
I. Reporting			5.30	1,966.90			0.15	17.85	3.85	491.85			9.30	2,476.60	266.3
J. Distribution and Closure			1.10	395.70					5.25	1,147.25			6.35	1,542.95	242.9
	0.25	133.25	27.35	10,914.65	0.15	19.05	0.75	93.25	17.50	3,115.00	0.00	0.00	46.00	14,275.20	

Net Total

Secretarial Expense

Other Disbursements

Billed

Grand Total

46.00	14,275.20
0.00	0.00
0.00	0.00
0.00	0.00
Grand Total	14,275.20

Detail of Time Charged and Rates Applicable for the Period From 09/03/2015 to 26/01/2019

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. Steps on Appointment														
02. Statutory Documentation	1.00	461.00							4.50	805.50			5.50	1,266.50
07. Attendance at Premises														
sub total -	1.00	461.00		0.00					4.50	805.50			5.50	1,266.50
B. Steps on Appointment														
C. Planning and Strategy														
02. Review Financial Position			10.55	4,674.30	0.75	144.00							11.30	4,818.30
07. Strategy Planning	3.00	1,527.00	9.75	4,180.95									12.75	5,707.95
sub total -	3.00	1,527.00	20.30	8,855.25	0.75	144.00							24.85	10,526.25
C. Planning and Strategy														
D. General Administration														
01. Insurance Matters					2.25	435.50							2.25	435.50
02. VAT			5.10	1,828.65	0.85	171.70			1.20	197.40			7.15	2,197.75
03. Taxation	4.00	3,496.00	0.40	214.80	0.30	82.50							4.70	3,793.30
04. Instruct Lias Solicitors			0.85	335.75	0.15	30.30							1.00	366.05
05. Investigations			1.00	387.00					3.10	519.60			4.10	906.60
06. Conduct Reports			0.25	101.50									0.25	101.50
07. Receipts-Payments Accounts			6.95	1,729.90	2.95	405.15	8.75	1,557.75	26.40	2,598.45	4.90	376.65	49.95	6,667.90

Detail of Time Charged and Rates Applicable for the Period From 09/03/2015 to 26/01/2019

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 £
08. Remuneration Issues			0.20	87.20					0.50	101.00			0.70	188.20
09. Statutory Matters			1.60	683.40	1.15	316.25			5.80	570.10			8.55	1,569.75
13. General Meetings			0.50	193.50									0.50	193.50
14. General Discussions			19.20	9,706.90									19.20	9,706.90
15. Gen. Admin Correspondence	0.95	484.40	42.40	14,317.10	5.95	1,117.90	0.20	23.50	22.25	6,192.80			71.75	22,135.70
16. Mainain Internal Files					0.20	24.80	0.10	11.60	0.15	24.75			0.45	61.15
sub total -	4.95	3,980.40	78.45	29,585.70	13.80	2,584.10	9.05	1,592.85	59.40	10,204.10	4.90	376.65	170.55	48,333.80
D. General Administration														
E. Assets Realisation/Dealing														
04. Agent Instruction Liasing			6.20	1,961.60	1.65	316.80							7.85	2,278.40
05. Sales Info. Preparation					0.40	76.80							0.40	76.80
06. Property Related Matters			11.80	3,705.25	15.70	3,014.40							27.50	6,719.65
07. Debt Collection			4.95	2,009.50									4.95	2,009.50
09. Dealing with other Assets			37.15	16,932.90	1.80	350.10			26.25	11,943.75			65.20	29,226.75
14. Sale of Business Assets	1.00	691.00	2.30	933.80									3.30	1,624.80
99. Other Matters			3.30	1,456.05									3.30	1,456.05

Detail of Time Charged and Rates Applicable for the Period From 09/03/2015 to 26/01/2019

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 £
sub total -														
E. Assets Realisation/Dealing														
G. Employee Matters														
04. Pension Issues														
09. Other Matters														
sub total -														
G. Employee Matters														
H. Creditor Claims														
02. Secured Creditors														
04. Non-Preferential Creditors														
sub total -														
H. Creditor Claims														
I. Reporting														
01. Statutory Reporting														
02. Reporting to Appointor														
04. Reporting to Creditors														
06. Reporting to other bodies														
09. Other Matters														

Detail of Time Charged and Rates Applicable for the Period From 09/03/2015 to 26/01/2019

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 £
sub total -														
I. Reporting														
J. Distribution and Closure														
02. Distributions														
sub total -														
J. Distribution and Closure														
	7.25	4,828.00	93.25	37,352.60	6.25	1,676.50	0.50	59.45	37.90	5,201.35			145.15	49,116.90
			2.00	575.70					7.25	1,281.25			9.25	1,856.95
			2.00	575.70					7.25	1,281.25			9.25	1,856.95
Net Total														159,824.90
Secretarial Expense														0.00
Other Disbursements														0.00
Billed														0.00
Grand Total														159,824.90



GB Group Holdings Limited - In Administration

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	760
Manager	336-586
Assistant Manager	302
Senior Administrator	283-302
Administrator	105-255
Other Staff	105

This in no way implies that staff at all such grades will work on the case. The rates charged by BDO LL 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
22 February 2019



Statement from the Insolvency (England and Wales) Rules 2016 regarding the rights of creditors in respect of the Joint Administrators' 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.