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High Court of Justice No. 1444 of 2011

**IN THE MATTER OF  
RAYCOTT LIMITED – IN LIQUIDATION  
("THE COMPANY")**

**COMPANY NO: 06265653**

**REPORT OF THE JOINT LIQUIDATORS  
PURSUANT TO RULE 4.49B  
OF THE INSOLVENCY RULES 1986 (AS AMENDED)**

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COMPANIES HOUSE

## **RAYCOTT LIMITED – IN LIQUIDATION**

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## **RAYCOTT LIMITED – IN LIQUIDATION**

### **REPORT OF THE JOINT LIQUIDATORS**

**1 NOVEMBER 2016**

#### **INTRODUCTION**

I, Richard Toone, of CVR Global LLP, New Fetter Place West, 55 Fetter Lane, London, EC4A 1AA, together with my partner, Kevin Murphy, was appointed Joint Liquidator of the Company on 23 August 2011, following up a Winding Up Order made in the High Court of Justice on 20 July 2011 under reference number 1444 of 2011

In accordance with Rule 4 49B of The Insolvency Rules 1986 (as amended) I am pleased to present my report on the progress in the Liquidation. This report relates to the period from 23 August 2015 to 22 August 2016.

#### **BACKGROUND**

The Company was incorporated on 1 June 2007 and traded as an investment management and holding company

On 1 March 2011 a creditor petition in the sum of £330,904 65 was filed against the Company and a Winding Up Order was subsequently made on 20 July 2011

#### **RECEIPTS AND PAYMENTS ACCOUNT**

An abstract of the Joint Liquidators' Receipts and Payments for the period concerned is attached at Appendix 1

#### **ASSET REALISATIONS**

As advised in my previous report, the Official Receiver's report showed that the Company had no assets. However, an amount of £1,749 85 was transferred directly into the Insolvency Services Account after my appointment. The remitter of these funds remains unknown despite attempts to identify them.

#### **INVESTIGATIONS**

In accordance with the Directors Disqualification Act 1986, the Official Receiver is responsible for submitting a report in relation to the Director's conduct. If creditors have any information they believe should be brought to the Official Receivers attention, please forward such details to me in writing

**Claim Against Kaye Presteigne Limited – In Liquidation**

The Company records showed an unpaid debt of £470,000 owed to the Company by Kaye Presteigne Limited ("Presteigne") following the sale of the Company's business and assets. Presteigne entered a creditors' voluntary liquidation on 23 May 2011 and I registered a claim of £470,000 in the liquidation

On 14 October 2014, Duncan Beat and Alexander Kinninmonth of RSM Restructuring Advisory LLP, acting as liquidators of Presteigne, rejected the Company's claim in full on the basis of numerous payments to a solicitors' client account allegedly held for the benefit of the Company

The claim is closely related to the proceedings detailed below and, following legal advice received from Charles Russell Speechlys LLP ("CRS"), it was concluded that contesting the claim was not in the interests of the general body of creditors

**Claims Against Related Parties**

As previously reported, proceedings were issued against Berwick Industrial Holdings Group Limited ("Berwick") in respect of Company monies totalling £234,000 transferred to them after the date of the petition to wind the Company up was filed. Furthermore, a claim was also issued against the Company directors in relation to their role in the transfer of assets to related parties

On 21 July 2015 the Court ruled in favour of the Joint Liquidators' claims. The transfer to Berwick was ruled to be a void disposition and Berwick therefore ordered to pay £234,000 to the Company plus interest calculated at £39,850.52 and costs to be agreed at a later date.

Furthermore, the directors were ordered to pay the sum of £470,000 to the Company together with interest totalling £92,506.31. The directors were also ordered to pay the costs of the application including a payment of £50,000 to be made to the Company by 4 August 2015.

I can advise that CRS is currently holding £105,000 under a settlement agreement which has subsequently stalled. I am seeking advice from CRS with regard to how best to proceed.

CRS's costs to date total £121,000 plus VAT (exclusive of 70% uplift). CRS has billed for the balance of the receipts, including Counsel fees of circa £35,000 plus VAT (inclusive of CFA uplift) and ATE insurance costs of £15,900.

**DIVIDEND PROSPECTS**

At present, there are insufficient funds to enable a distribution to any class of creditor in this matter.

### **Secured Creditors**

As advised in my previous report, Kaye Engineering Limited ("Engineering") registered a fixed and floating charge against the Company on 3 June 2010. A proof of debt has subsequently been submitted by the Liquidators of Engineering in the sum of £409,759.

### **Preferential Creditors**

There are no known preferential creditors.

### **Unsecured Creditors**

To date I have received one unsecured claim in the sum of £758,405.

### **COSTS OF REALISATION**

In addition to the CRS payments referred to earlier, other payments during the reporting period comprised of corporation tax of 17 pence and bank charges of £88.

### **JOINT LIQUIDATORS' REMUNERATION AND DISBURSEMENTS**

At the Meeting of Creditors held on 21 November 2011 creditors passed a resolution enabling the Joint Liquidators to draw their remuneration based on their firm's time costs, and to draw Category 2 disbursements.

A summary of the Joint Liquidators' time costs, covering the period since my appointment and the period covered by this report, analysed by grade of staff, are attached at Appendix 2.

In accordance with the Statement of Insolvency Practice 9 issued by the Association of Business Recovery Professionals and adopted by my professional licensing body, I advise that the overall time spent during the period of the Liquidation to 22 August 2016 and charge out value of that time is 253.70 hours and £69,030.50 respectively.

In relation solely to the period covered by this report, I advise that the overall time spent and charge out value of that time is 22.40 hours and £5,568.50 respectively.

This equates to an average hourly charge out rate of £248.59. These figures do not include VAT.

To date, the Joint Liquidators have drawn no fees or category 2 disbursements.

The work we have carried out as Joint Liquidators is derived from the responsibilities placed upon us by the underlying legal and regulatory framework for work of this nature. It has been performed by the Joint Liquidators and by the assignment manager and administrator. Their work has been supported by secretarial staff and the cashiers. All personnel were charged directly to the assignment for all of the time relating to the case.

Disbursements represent the reimbursement of actual out-of-pocket payments made on behalf of the assignment. These are outlined in the cost breakdown attached as outlined above.

## **CHARGE OUT RATES**

In common with other professional firms, our charge out rates increase from time to time over the period of the administration of the case. I enclose an explanation of office holders charging and disbursement recovery policies for your reference as Appendix 3.

A Creditors' Guide to Joint Liquidators' Fees, which provides information for creditors in relation to the remuneration of the Joint Liquidators, can be accessed at the website of the Association of Business Recovery Professionals at

<https://www.r3.org.uk/what-we-do/publications/professional/fees>

Alternatively, I can provide you with a copy on written request.

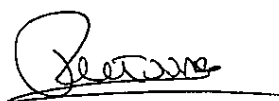
I believe this case generally to be of average complexity (with the exception of the investigations referred to above) and accordingly no exceptional responsibility has to date fallen upon us as Joint Liquidators.

## **RIGHT TO REQUEST FURTHER INFORMATION**

I would draw your attention to Rule 4.49E and Rule 4.131 of the Insolvency Rules 1986 (as amended), the text of which is reproduced at Appendix 4. These Rules set out the circumstances under which creditors may request further information in relation to the Joint Liquidators' remuneration and expenses and their right to challenge the Joint Liquidators' remuneration and expenses.

## **CONCLUSION**

Should you require any further information, in addition to that already given, please contact Lee Spencer at this office, on 020 3794 8732.



**R H TOONE**

**Joint Liquidator**

Licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales

**Raycott Limited  
(In Liquidation)**

**Joint Liquidators' Summary of Receipts and Payments**

<b>RECEIPTS</b>	<b>Statement of Affairs (£)</b>	<b>From 23/08/2011 To 22/08/2015 (£)</b>	<b>From 23/08/2015 To 22/08/2016 (£)</b>	<b>Total (£)</b>
Bank Interest Gross		1 48	0 85	2 33
Deposit on Creditor's Petition		1,000 00	0 00	1,000 00
Sundry receipt		1,749 85	0 00	1,749 85
		<b>2,751 33</b>	<b>0 85</b>	<b>2,752 18</b>
<b>PAYMENTS</b>				
DTI Cheque Fees		1 10	0 00	1 10
OR's Company Liquidation Admin Fee		2,235 00	0 00	2,235 00
Corporation Tax		0 53	0 17	0 70
Bank Charges		336 00	88 00	424 00
		<b>2,572 63</b>	<b>88.17</b>	<b>2,660 80</b>
<b>Net Receipts/(Payments)</b>		<b>178.70</b>	<b>(87.32)</b>	<b>91 38</b>
<b>MADE UP AS FOLLOWS</b>				
ISA NIB		178 70	(87 32)	91 38
		<b>178 70</b>	<b>(87 32)</b>	<b>91 38</b>

Note

RAYCOTT LIMITED COMP - RAYC46866

Time and Chargeout Summary for the period 23/08/2011 to 22/08/2016							
Classification of work function	Hours				Total Hours	Time Cost £	Average hourly rate £
	Partner / Director	Manager	Other Senior Professionals	Assistants & Support Staff			
<b>Administration &amp; Planning</b>							
(A)Appointment Documents	0 00	0 50	0 70	0 00	1 20	259 50	216 25
(A)Case Reviews	4 50	10 10	2 90	2 00	19 50	5 884 50	301 77
(A)Cashening	0 00	0 10	0 30	4 40	4 80	668 00	139 17
(A)General Administration	21 00	14 20	41 20	15 10	91 50	24,070 50	263 07
(A)General advice/meetings	1 70	0 90	0 00	0 10	2 70	1,084 00	401 48
(A)JA Correspondence	0 00	0 10	0 00	0 00	0 10	29 50	295 00
(A)Money Laundering & ethics	0 00	0 30	0 00	0 00	0 30	88 50	295 00
(A)Statutory Filing, advertising & bordereau	0 00	0 80	0 90	0 00	1 70	380 00	223 53
<b>Total for Administration &amp; Planning</b>	<b>27 20</b>	<b>27 00</b>	<b>46 00</b>	<b>21 60</b>	<b>121 80</b>	<b>32,464 50</b>	<b>266 54</b>
<b>Investigations</b>							
(I)Antecedent Transactions	2 90	0 00	1 00	0 00	3 90	1,465 00	375 64
(I)D Conduct reports/returns	0 00	1 30	0 30	0 00	1 60	431 50	269 69
(I)Investigations (not SIP2/CDDA)	0 00	50 50	1 70	0 00	52 20	15,181 50	290 83
<b>Total for Investigations</b>	<b>2 90</b>	<b>51 80</b>	<b>3 00</b>	<b>0 00</b>	<b>57 70</b>	<b>17,078 00</b>	<b>295 98</b>
<b>Realisation of Assets</b>							
(R)Cash at Bank	0 00	0 00	0 20	0 00	0 20	32 00	160 00
(R)Contributions	0 10	0 00	0 00	0 00	0 10	49 50	495 00
(R)Other Assets	0 00	24 60	0 00	0 00	24 60	7,251 00	294 76
<b>Total for Realisation of Assets</b>	<b>0 10</b>	<b>24 60</b>	<b>0 20</b>	<b>0 00</b>	<b>24 90</b>	<b>7,332 50</b>	<b>294 48</b>
<b>Creditors</b>							
(C)Claims & Proofs	0 00	0 00	0 60	0 00	0 60	150 00	250 00
(C)Correspondence	1 00	6 30	0 70	0 00	8 00	2 465 50	308 19
(C)Employees claims & dividends	0 00	0 20	0 00	0 00	0 20	59 00	295 00
(C)Reports & Circulars	0 20	6 20	22 40	2 50	31 30	7,181 50	229 44
(C)Sec Correspondence	0 00	3 20	0 00	0 00	3 20	944 00	295 00
(C)Sec Reports & Circulars	0 00	0 20	0 00	0 00	0 20	59 00	295 00
<b>Total for Creditors</b>	<b>1 20</b>	<b>16 10</b>	<b>23 70</b>	<b>2 50</b>	<b>43 50</b>	<b>10,859 00</b>	<b>249 63</b>
<b>Case Specific Matters</b>							
(CS)Legal Matters (non invest)	0 10	0 80	0 00	0 00	0 90	297 50	330 56
(CS)Other Special Issues	0 00	2 40	0 00	0 00	2 40	707 50	294 79
(CS)Post appointment tax returns	0 10	0 00	0 00	2 20	2 30	229 50	99 78
<b>Total for Case Specific Matters</b>	<b>0 20</b>	<b>3 20</b>	<b>0 00</b>	<b>2 20</b>	<b>5 60</b>	<b>1,234 50</b>	<b>220 45</b>
<b>Fixed Charge Matters</b>							
(F)Claims & Proofs	0 00	0 20	0 00	0 00	0 20	62 00	310 00
<b>Total for Fixed Charge Matters</b>	<b>0 00</b>	<b>0 20</b>	<b>0 00</b>	<b>0 00</b>	<b>0 20</b>	<b>62 00</b>	<b>310 00</b>
<b>Total Hours</b>	<b>31 60</b>	<b>122 90</b>	<b>72 90</b>	<b>26 30</b>	<b>253 70</b>	<b>69,030 50</b>	<b>272 09</b>
<b>Total fees Claimed</b>	<b>14,648 00</b>	<b>35,959 00</b>	<b>16,828 00</b>	<b>2,595 50</b>	<b>69,030 50</b>		

<b>Category 2 Disbursements</b>	
Other amounts paid or payable to the office holder's firm or to any party in which the office holder or his firm or any associate has an interest	
Type and Purpose	£
Other	375 56
Postage	17 45
Storage	7 80
Travel	35 00
	435 81



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Time and Chargeout Summary for the period 23/08/2015 to 22/08/2016							
Classification of work function	Hours					Time Cost £	Average hourly rate £
	Partner / Director	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & Planning	2 00	2 00	0 00	5 30	9 30	2,130 50	229 09
Investigations	0 00	1 80	0 00	0 00	1 80	523 00	290 56
Realisation of Assets	0 10	0 00	0 00	0 00	0 10	49 50	495 00
Creditors	1 20	4 50	0 00	2 10	7 80	1,979 00	253 72
Case Specific Matters	0 20	2 10	0 00	0 90	3 20	824 50	257 66
Fixed Charge Matters	0 00	0 20	0 00	0 00	0 20	62 00	310 00
Total Hours	3 50	10 60	0 00	8 30	22 40	5,568 50	248 59
Total fees Claimed	1,670 50	3,072 50	0 00	825 50	5,568 50		

Category 2 Disbursements	
Other amounts paid or payable to the office holder's firm or to any party in which the office holder or his firm or any associate has an interest	
Type and Purpose	£
Other	190 00
Postage	17 45
Storage	4 68
	212 13

## CVR GLOBAL LLP

### CHARGE-OUT RATES AND DISBURSEMENT RECOVERY POLICIES

#### Charge-out Rates

In accordance with the provisions of Statement of Insolvency Practice 9 ("SIP 9"), the firm's charge-out rates applicable to this appointment, exclusive of VAT, are as follows

	From 6 January 2016 £ per hour	From 1 January 2015 £ per hour	From 1 August 2013 £ per hour	From 1 August 2011 £ per hour
Partners / Office Holders	390 - 495	370 - 475	350 - 450	350 - 450
Consultants	390 - 495	370 - 475	350 - 450	350 - 450
Directors	360 - 390	340 - 370	325 - 350	325 - 340
Senior Manager	330 - 360	315 - 340	300 - 325	300 - 315
Managers	300 - 330	295 - 315	280 - 295	280 - 295
Assistant Managers	290 - 310	275 - 295	260 - 280	260 - 275
Senior Executive / Analyst	240 - 275	230 - 265	220 - 250	220 - 250
Executive	155 - 190	150 - 190	135 - 180	125 - 175
Cashier	135 - 185	130 - 175	125 - 165	120 - 160
Secretaries / Support / Junior Analyst	90 - 125	85 - 120	80 - 115	80 - 110

Charge-out rates are normally reviewed annually when rates are adjusted to reflect such matters as inflation, increases in direct wage costs, and changes to indirect costs such as Professional Indemnity Insurance. It is the firm's policy for the cashier's time spent on an assignment to be charged to the case. However, secretarial and office admin support time is charged only in respect of identifiable blocks of time devoted to the case where we consider it to be viable to do so. All time is recorded in 6 minute units.

#### Direct expenses ("Category 1 Disbursements")

Category 1 disbursements as defined by SIP 9, which can be specifically identified as relating to the administration of the case, will be charged to the estate at cost, with no uplift. These include but are not limited to such items as advertising our appointment, meetings and requesting claims from creditors, storage in relation to the books and records of the company or individuals and the assignment records, online reporting facilities in relation to the uploading of documents and reports for creditors, bonding and other insurance premiums to protect the estate and its assets, and properly reimbursed expenses incurred by personnel in connection with the case.

#### Indirect expenses ("Category 2 Disbursements")

It is our normal practice to also charge the following indirect disbursements ("Category 2 Disbursements as defined by SIP 9) to the case, where appropriate

##### **Circulars to creditors**

Plain/headed paper including photocopying	12p per side
Envelopes	12p each
Postage	Actual cost

##### **Room Hire**

For the convenience of creditors and to save the cost of booking an outside hotel room, meetings of creditors are occasionally held internally at our offices. Where meetings of creditors are held in one of our internal meeting rooms, a charge of £100 plus VAT may be levied to cover the cost of booking the room.

##### **Travel**

Mileage incurred as a result of any necessary travelling is charged to the estate at the HM Revenue & Customs approved rate, currently 40p per mile.

All of the above costs are subject to amendment by the firm at any time and if amended will be notified to creditors with the next circular sent to all creditors.

##### **Company Searches & Electronic Verification of Identity**

Included in expense and/or disbursements, Company Searches and electronic Verification of Identity include an element of shared costs. Such expenses are of an incidental nature but are generally incurred on each case. In line with the cost of the external provision of such services, a charge of £15 plus VAT is levied to cover the cost of these searches.

#### **Work involved in the administration of the case**

The main work involved relates to realisation of the assets of the company or individual, agreement of claims and payment of dividends or distributions to creditors and where possible members. As part of this work the office holder is required by statute and best practice to undertake work in providing reports, convening meetings and investigating the affairs of the company or indeed individual, prior to the commencement of the insolvency process.

In order to provide an explanation of the work involved by the office holder such work is broadly split into six categories, a narrative explanation of the work involved in each of these is provided below. The office holders' remuneration can be approved on a set fee, percentage or time cost basis, or indeed a combination of these. Where remuneration is requested on a time costs basis, creditors are provided with information regarding time intended to be spent in administering the insolvency process, and in some instances are provided with an overall estimate of the cost. Depending on the type and age of the case, creditors may be contacted to approve an increased estimated cost and will be provided with the reasons for the increase.

#### **Administration and Planning**

Work involved in this category relates mainly to routine and statutory functions. It does not necessarily provide financial benefit to creditors, but ensures that the case is managed and administered in accordance with legislation and in a professional manner. It includes but is not limited to the following areas: statutory and general notifications, advertising, filing of statutory forms, case management, cashing requirements and management of estate funds, general tax and VAT matters, pension matters, general correspondence, case reviews, and reporting.

#### **Investigation**

The office holders are required to undertake an investigation into the affairs of the company or individual prior to the commencement of the insolvency process. In the case of Creditors Voluntary Liquidations and Administrations an office holder is required to submit a report on the conduct of the Directors who were in office in the period three years prior to the commencement of the insolvency process, to the Insolvency Service, in accordance with legislation. Occasionally such investigations identify further potential asset recoveries.

#### **Assets**

This involves work in realising assets of the company or individual, which are known and stated in the statement of affairs. It may also include work involved in asset recoveries identified post appointment, which were either unknown or identified during the office holders' investigations.

#### **Creditors**

This involves work in dealing with creditor queries and correspondence, including reports and where funds permit agreeing creditor claims and provision of dividends to creditors. This may also involve assisting employees with the calculation of their statutory entitlements and agreeing subsequent claims of employees and of the redundancy payments service and payment of any dividend, should funds allow. The category may also include work in connection with secured creditors, including correspondence and reporting.

#### **Trading**

In some instances it will be necessary to assist in the trading of a business post commencement of an insolvency process. Should this be necessary, detailed further information will be provided.

#### **Case specific matters**

This category includes areas of work of a specific nature and may include legal matters and preparation of tax returns and payment of tax liabilities.

**CVR GLOBAL LLP**

**Updated 6 January 2016**

CVR GLOBAL is a limited liability partnership registered in England and Wales (NoOC398681) whose registered office is at New Fetter Place West, 55 Fetter Lane, London, EC4A 1AA. The term "partner" denotes a member of a limited liability partnership. A list of members of CVR Global LLP is available at our registered office.

**EXTRACTS OF 4.49E AND 4.131 OF THE INSOLVENCY RULES 1986  
(AS AMENDED)**

## APPENDIX 4

### Extracts of 4.49E and 4.131 of The Insolvency Rules 1986 (as amended)

#### 4.49E Creditors' and Members' request for further information

##### 4.49E(1) [Duty of Liquidator re remuneration or expenses] if-

- (a) within the period mentioned in paragraph (2)-
  - (i) a secured creditor, or
  - (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
  - (iii) 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, or
- (b) with the permission of the court upon an application made within that period mentioned in paragraph (2)-
  - (i) any unsecured creditor, or
  - (ii) any member of the company in a members' voluntary winding up,

makes a request in writing to the liquidator for further information about remuneration or expenses set out in a progress report in accordance with Rule 4.49B(1)(e) or (f) (including by virtue of Rule 4.49C(5)) or in a draft report under Rule 4.49D, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of matter in a draft report under Rule 4.49D or a progress report required by Rule 4.108 which (in either case) was previously included in a progress report not required by Rule 4.108

##### 4.49E(2) [Period for compliance with r.4.49E(1)] The period referred to in paragraph (1)(a) and (b) is-

- (a) 7 business days of receipt (by the last of them in the case of an application by more than one member) of the progress report which it is required by Rule 4.108, and
- (b) 21 days of receipt (by the last of them in the case of an application by more than one member) of the report or draft report in any other case

##### 4.49E(3) [How liquidator to comply] The liquidator complies with this paragraph by either-

- (a) providing all the information asked for, or

## APPENDIX 4

(b) so far as the liquidator considers that-

- (i) the time or cost of preparation of the information would be excessive, or
- (ii) disclosure of the information would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or
- (iii) the liquidator is subject to an obligation of confidentiality in respect of the information,

giving reasons for not providing all of the information

**4.49E(4) [Application to court by creditors and members]** Any creditor, and any member of the company in a members' voluntary winding up, who need not be the same as the creditors or members who asked for the information, may apply to the court within 21 days of-

- (a) the giving by the liquidator of reasons for not providing all of the information asked for, or
- (b) the expiry of the 14 days provided for in paragraph (1),

and the court may make such order as it thinks just

**4.49E(5) [Court may extend period in rr.4.131(1B), 4.148C(2)]** Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks or, as the case may be, 4 weeks provided for in Rule 4 131(1B) or 4 148C(2) by such further period as the court thinks just

**4 49E(6) [Non-application to official receiver]** This Rule does not apply where the liquidator is the official receiver

### **4.131 Creditors' claim that remuneration is or other expenses are excessive**

**4.131(1) [Secured or certain unsecured creditors may apply to court]** Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4)

**4.131(1A) [Grounds for application]** Applications may be made on the grounds that-

- (a) the remuneration charged by the liquidator,
- (b) the basis fixed for the liquidator's remuneration under Rule 4 127, or
- (c) expenses incurred by the liquidator,

is or are, in all circumstances, excessive or, in the case of an application under sub-

## APPENDIX 4

paragraph (b), inappropriate

**4.131(1B) [Time limit for application]** The application must, subject to any order of the court under Rule 4 49E(5), be made no later than 8 weeks (or, in the case falling within Rule 4 108, 4 weeks) after receipt by the applicant of the progress report, or the draft report under Rule 4 49D, which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")

**4.131(2) [Power of court to dismiss etc.]** The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss the application, but it shall not do so unless the applicant has had an opportunity to attend the court for a hearing, of which he has been given at least 5 business days' notice but which is without notice to any other party.

If the application is not dismissed under this paragraph, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly

**4.131(3) [Notice to liquidator]** The applicant shall, at least 14 days before the hearing, send to the liquidator a notice stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it

**4 131(4) [Court order]** 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 liquidator was entitled to charge,
- (b) an order fixing the basis of remuneration at a reduced 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 liquidation,
- (e) an order that the liquidator or the liquidator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,

and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report

**4.131(5) [Costs of application]** Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable as an expense of the liquidation