# Liquidator's Progress Report

S.192

Pursuant to Sections 92A and 104A and 192 of the Insolvency Act 1986

To the Registrar of Companies

Company Number

06621487

Name of Company

Haldanes Stores Limited

I/We

Brendan Ambrose Guilfoyle, 93 Queen Street, Sheffield, S1 1WF, DX 10816 Sheffield

Christopher Michael White, 93 Queen Street, Sheffield, S1 1WF, DX 10616 Sheffield

the liquidator(s) of the company attach a copy of my/our Progress Report under section 192 of the Insolvency Act 1986.

The Progress Report covers the period from 01/06/2013 to 31/05/2014

Signed

Date 31 July 1/

The P&A Pertnership 93 Queen Street Sheffield S1 1WF DX 10616 Sheffield

Ref H138612/j/JR

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A06 01/08/2014 COMPANIES HOUSE #321

# Haldanes Stores Limited (In Liquidation) Joint Liquidators' Abstract of Receipts & Payments

Statement of Affairs		From 01/06/2013 To 31/05/2014	From 01/06/2012 To 31/05/2014
-	ASSET REALISATIONS		
Uncertain	Haldanes Express Limited	NIL	NIL
Uncertain	Bakery Products Limited (Admin)	NIL	NIL
Ottoermit	Book Debts	70,000 00	70,000 00
	Bank Interest Gross	0.26	4 58
24 060 00	Surplus from Administration	NIL	24,949.17
24,969 00	Sundry Receipts	NIL	156,00
Uncertain	Barclaycard	NIL	NIL
Uncertain	A Harris - Loan Account	NIL	NIL
Uncertain	THRG Limited	NIL	NIL
Officertain	THRO Linded	70,000 26	95,109 75
	COST OF REALISATIONS		
	Office Holders Fees	NIL	21,550.00
	Incidental Outlay	270 00	3,349 56
	Legal Fees	70,000.00	70,000.00
	Statutory Advertising	NIL	83 70
	Guilday, 7 days, 2011.9	(70,270 00)	(94,983 26)
	PREFERENTIAL CREDITORS		
(319,961 00)	BIS RPO - National Insurance Fund	NIL	NIL
(9,167 00)	Employees - Preferential Creditors	NIL	NL
(9, 107 00)	Employees - Freierential Grownord	NIL	NIL
	UNSECURED CREDITORS		
(7,075,592.00)	Trade & Expense Creditors	NIL	NIL
(21,104.00)	Employees - Unsecured Creditors	NIL	NIL
(1,394,390 00)	BIS RPO - National Insurance Fund	NIL	NIL
(989,655.00)	HM Revenue & Customs - PAYE/NIC	NIL	NIL
(660, 118 00)	Inter-Co Loan-Ruston Retail Ltd (Admi	NIL	NIL
(1,751,783 00)	Ugo Stores Ltd (Admin)	NIL	NIL
(1,751,765 00)	ogo otores car (varinty	NIL	NIL
	DISTRIBUTIONS		
(5,061.00)	Ordinary Shareholders	NIL	NIL
(0,00 1120)	<b>,</b>	NIL	NiL
(12,211,862.00)		(269.74)	126.49
[			
	REPRESENTED BY		
	VAT Receivable		14,671 03
	Bank Balance		108.49
	Disbursements		(462 35)
	Funds due to Solicitor		(14,653 03)
	The P&A Partnership		462.35
			126.49
	IPS SQL Ver 5 04	Bre	ndan Ambrose Gullfoyle Joint Liquidator

# HALDANES STORES LIMITED IN CREDITORS VOLUNTARY LIQUIDATION

Second Annual Progress Report to Members and Creditors pursuant to Section 104A of the Insolvency Act 1986 for the period 1 June 2013 to 31 May 2014

> Brendan Ambrose Guilfoyle & Christopher Michael White Joint Liquidators

> > The P&A Partnership 93 Queen Street Sheffield S1 1WF

www thepandapartnership com

This report has been compiled by the Joint Liquidators to comply with the statutory requirements of Section 104A of the Insolvency Act 1986 to provide creditors with an annual report of the progress of the Liquidation. The report is private and confidential and may not be used by any person in whole or in part for any purpose whatsoever other than that intended by the Insolvency Act

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# **Appendices**

Appendix A	Joint Liquidators' abstract of receipts and payments for the period
Appendix A1	Joint Liquidators' cumulative abstract of receipts and payments
Appendix B	Joint Liquidators' analysis of time costs for the period
* *	Joint Liquidators' cumulative analysis of time costs
Appendix B1	The P&A Partnership guide to fees, expenses and disbursements
Appendix C	The P&A Partnership guide to ices, expenses and diseasements

#### STATUTORY INFORMATION

Trading Address Haldane House

3 Ruston Road Grantham Lincolnshire NG31 9SW

Company Number 06621487

Date of Incorporation 17/06/2008

Registered Office 93 Queen Street

Sheffield S1 1WF

Nature of Business Retail

Date of Liquidation 1 June 2012

Joint Liquidators Brendan Ambrose Guilfoyle & Christopher Michael White

Basis of Remuneration Where the Joint Administrators have become the Joint Liquidators,

remuneration is to be calculated on the same basis as approved by creditors in the Administration, which is on time properly given in attending to matters arising to be determined by the rates applied by

the firm of The P&A Partnership for work of this nature

Contact Details epost@thepandapartnership com

#### 1. INTRODUCTION

- The Company was moved from Administration to Creditors Voluntary Liquidation on 1 June 2012 and former Joint Administrators Brendan Ambrose Guilfoyle and Christopher Michael White were appointed Joint Liquidators Brendan Ambrose Guilfoyle and Christopher Michael White are both licensed as Insolvency Practitioners by the Insolvency Practitioners Association
- This report should be read in conjunction with any previous progress reports issued by the Joint Liquidators Copies of previous reports can be requested by telephoning The P&A Partnership Help Desk +44 (0)114 275 5033 or by email to <a href="mailto:epost@thepandapartnership.com">epost@thepandapartnership.com</a> or writing to the Joint Liquidators at 93 Queen Street, Sheffield S1 1WF

## 2. JOINT LIQUIDATORS' RECEIPTS AND PAYMENTS

- An abstract of the Joint Liquidators' Receipts and Payments for the period covered by this report is attached at Appendix A
- The assets realised during the period of this report are shown below with an estimate of any future anticipated realisations

Asset Realisation	Para	Realisations In this Period £	Anticipated Further Realisations £	
Book Debts	2 3	70,000 00	Nil	
Bank Interest Gross	2 4	0 26	Uncertain	
A Harris Loan Account	2 5	Nı!	Uncertain	

- The Joint Liquidators appointed solicitors to pursue The Co-operative Group Limited in respect of losses suffered as a result of breaches of undertakings given in the Sale and Purchase Agreement. Following protracted negotiations, settlement was received in the amount of £70,000.
- A sum of 26p has been received in respect from HSBC Bank plc of interest accrued on the Joint Liquidators' bank account
- In the first annual report, the Joint Liquidators advised of an amount due from Arthur Harris in respect of an overdrawn Directors' Loan Account Formal demand for repayment of the £323,411 was made. A Bankruptcy Petition was presented by an independent third party following which a Bankruptcy Order was made on 28 March 2013. Elliott Green of Oury Clark, who was appointed Arthur Harris Trustee in Bankruptcy, has indicated he cannot give an estimate of the quantum or timing of any distribution to his creditors

To assist in the conduct of the Liquidation the Joint Liquidators have given instructions to the following professional advisors on the fee basis as indicated. The choice of advisers and agents was based on the Joint Liquidators knowledge of the professional advisors' experience and known ability to perform the type of work to be undertaken and also taking into the complexity and nature of the assignment and the basis of their fee arrangements

Name of Solicitor or Agent	Work Undertaken	Basis of Fee Arrangement	Fees Incurred/ Paid £	
Walker Morris LLP	Legal Advice	Hourly rate and disbursements Hourly rate and disbursements	84,653 03	
DLA Piper (UK) LLP	Legal Advice		Nıl	

- At the end of the period of reporting, £70,000 00 of Walker Morris's fees have been paid; the outstanding balance will be paid when funds become available
- 28 DLA Piper (UK) LLP assisted the Joint Liquidators with the disclaiming of the Company's leases however no fees have been charged
- An abstract of the Joint Liquidators' Cumulative Receipts and Payments since the date of Liquidation is attached at Appendix A1

#### 3. INVESTIGATIONS

During the period of this report, the investigations in relation to the claim against The Cooperative Group Limited were completed, with full and final settlement being received as detailed in section 2 3.

# 4. JOINT LIQUIDATORS' EXPENSES AND DISBURSEMENTS

4 1 Below is a summary of the disbursements incurred during the period of this report

Category 1 Disbursements	£	Category 2 Disbursements	£
Postage	127 71	Storage of Records Travel & Subsistence	90 00 514 64
Total	127.71	Total	604 64

Category 1 Disbursements: Payment of specific expenditure which generally comprise of external supplies and services specifically identifiable to the case which can be made without approval from creditors

- Category 2 Disbursements: Payments to the Office Holder or any party that is an associate of the Office Holder which generally comprise of disbursements for services provided by the Office Holder's firm Such payments require the approval from creditors
- The attached abstract of receipts and payments reflects the amount of disbursements drawn in this period and the above table includes outstanding disbursements which still have to be drawn. Outstanding disbursements total £462.35 and will be drawn by the Joint Liquidators from the estate funds in due course.

#### 5. JOINT LIQUIDATORS' REMUNERATION

- An analysis of the Joint Liquidators' time costs for the period covered by this report is attached at Appendix B
- An analysis of the Joint Liquidators' cumulative time costs accruing due since Liquidation is attached at Appendix B1
- Fees accrued during the Liquidation and the last 12 month period covered by this report are shown in the table below together with the fees drawn and the balance of unbilled time costs which remain outstanding.

	Time Costs Incurred £	Fees Drawn £	Balance Due £
Previous periods brought forward	48,528 40	21,550 00	26,978 40
1 June 2012 to 31 May 2013 12 month period covered by this report 1 June 2013 to 31 May 2014	16,491 40	Nıl	16,491 40
Cumulative Totals as at date of this Report	65,019 80	21,550 00	43,469 80

- No further fees will be drawn by the Joint Liquidators
- 5 5 The principal areas of time incurred during the period of this report have been-
  - Communicating with landlord, local council and appointed solicitors DLA Piper (UK) LLP in respect of the disclaimer for the previous trading premises;
  - Liaising with and where appropriate assisting Oury Clark, the appointed trustee in the bankruptcy of Arthur Harris, with a view to obtaining realisations from the outstanding Directors' Loan Account,
  - Protracted correspondence with appointed solicitors Walker Morris LLP in relation to the Co-operative Group Limited dispute and settlement,
  - Processing the various documentation in respect of the Company's employees claims for redundancy, outstanding wages and holiday pay and money in lieu of notice

Communicating with the Department of Business Innovations and Skills answering queries regarding employees claims from the Company's records and agreeing the departments preferential and non-preferential claims in the Liquidation proceedings,

- Preparation and submission of Value Added Tax returns,
- Preparation and submission of Corporation Tax Returns,
- · Agreeing and admitting of creditors' claims,
- Preparation and submission to Companies House the statutory Liquidators Receipts and Payments Account pursuant to S192 of the Insolvency Act 1986,
- Dealing with all statutory requirements pursuant to the Insolvency Act and Rules and reporting to shareholders and creditors
- A Creditors' Guide to Fees is available and provides explanations of creditors' rights. This can be accessed via the Internet at <a href="https://www.thepandapartnership.com/resources">www.thepandapartnership.com/resources</a> or alternatively a copy can be requested by telephoning. The P&A Partnership Help Desk +44 (0)114 275 5033
- A secured creditor; or an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (or with permission of the Court), have a period of twenty-one days from the date of this progress report to request further information in respect of the liquidators' remuneration and expenses
- Any secured creditor, or any unsecured creditor with the concurrence of at least 10% in value of the creditors, including that creditor (or with the permission of the Court), may make an application to the Court on the grounds that; the remuneration charged by the liquidators', or the basis fixed for the liquidators' remuneration, or the expenses incurred by the Liquidators' are excessive. Such an application to the Court must be made within eight weeks of the date of receipt of the progress report.
- The Joint Liquidators' have not utilised the services of any sub-contractors during the administration of the Liquidation

## 6. DEBENTURE HOLDER & SECURED CREDITORS

- To secure the bank borrowings the Company granted a debenture to Dansk Supermarket dated 2 February 2010 which created fixed and floating charges over the whole of the company's undertaking. The debt to the secured creditor at the date of liquidation totalled an estimated £1,650,000 with interest accruing under the terms of the charge
- The balance owed to Dansk Supermarket is subject to confirmation by the secured creditor as there is the potential of a significant increase due to contingent secured claims against two other associated companies, Ruston Retail Limited and UGO Stores Limited

- Realisations within the period have been insufficient to enable a distribution to the Debenture Holder Any distribution going forward will be wholly reliant on the quantum of the dividend received from the bankruptcy of Arthur Harris.
- 6.4 The Prescribed Part fund set aside for distribution to the unsecured creditors currently does not apply as the net property is less than the prescribed statutory minimum. The amount of the fund can fluctuate as the assets are realised and costs are incurred therefore the Joint Liquidators can give no guarantee whatsoever concerning the eventual quantum of the fund for distribution however based on current estimations it appears unlikely that a distribution to unsecured creditors under this provision will be made.

## 7. PREFERENTIAL CREDITORS

- The category of preferential claims is defined in the Insolvency Act 1986 and mainly relate to employees who are owed outstanding wages and holiday pay. In turn these claims can be paid by the Department for Business, Innovation & Skills (BIS) under the various employment protection acts and BIS will then make a claim in the insolvency proceedings
- 72 The table below compares the preferential creditors' claims estimated on the Company's Statement of Affairs at the date of Liquidation, with the claims received to date and a projection of the total amount of claims anticipated

Amount of Preferential Claims on Statement of Affairs	329,128
Amount of Preferential Claims received to date	74,910
Number of Preferential Claims yet to be submitted	Nıl
Estimated Amount of Preferential Claims yet to be received	Nıl
Projection of anticipated Total Preferential Claims	74,910

73 The difference between the estimated and received claims is attributable to a large reduction in the claim of the National Insurance Fund due to employee claims being amended

#### 8. UNSECURED CREDITORS

The table overleaf compares the unsecured creditors' claims estimated on the Company's Statement of Affairs at the date of Liquidation, with the claims received to date and a projection of the total amount of claims anticipated.

Amount of Unsecured Claims on Statement of Affairs	11,902,642
Number of Unsecured Claims received to date	140
Amount of Unsecured Claims received to date	11,509,569
Number of Unsecured Claims yet to be submitted	119
Estimated Amount of Unsecured Claims yet to be submitted	2,286,000
Projection of anticipated Total Unsecured Claims	13,795,569

- The amount of received claims includes £2,636,066.60 of claims that are currently being adjudicated by the Joint Liquidators
- The difference between estimated and received claims is due to a number of claims being received by the Joint Liquidators that were not originally anticipated at the time the Statement of Affairs was prepared. These claims have been reviewed by the Joint Liquidators

## 9. ESTIMATED OUTCOME FOR CREDITORS

The assets realised are insufficient to make a distribution to any class of creditor. Any distribution is wholly reliant on the level of further realisations made.

#### 10. CONCLUSION

10 1 The Joint Liquidators will continue to liaise with Oury Clark in respect of the bankruptcy of Arthur Harris and the quantum and timing of the distribution. Upon receipt, steps will be taken to close the Liquidation

## 11. FUTURE REPORTING

11.1 The Joint Liquidators are required to provide creditors with an annual progress report within two months of the anniversary of the Liquidation. Should the Liquidation have been completed prior to the anniversary then a draft final report will be issued prior to the convening and holding of the final meeting of creditors

Breudan Ambrose Guilfoyle

Our Ref H138612/1/JR/L

## APPENDIX A

# Joint Liquidators' Receipts and Payments Account for the period 1 June 2013 to 31 May 2014

RECEIPTS	From 1 June 2013 to 31 May 2014 £
Book Debts Bank Interest Gross	70,000 00 0 26
Total	70,000.26
PAYMENTS	
Incidental Outlay Legal Fees	270 00 70,000 00
Total	70,270 00

## **APPENDIX A1**

# Joint Liquidators' Cumulative Receipts and Payments Account 1 June 2012 to 31 May 2014

RECEIPTS	Statement of Affairs £	From 1 June 2012 to 31 May 2014 £
Book Debts Bank Interest Gross Surplus from Administration Sundry Receipts	24,969 00	70,000 00 4 58 24,949 17 156 00
Total		95,109.75
PAYMENTS		
Office Holders Fees Incidental Outlay Legal Fees Statutory Advertising		21,550 00 3,349 56 70,000 00 83 70
Total		94,983.26
Balance in Hand		126.49
Balance in Hand is represented by		
Interest bearing account VAT receivable Funds due to Solicitor		108 49 14,671.03 (14,653 03)
•		126.49

APPENDIX B

Joint Liquidators' analysis of time costs for the period from
1 June 2013 to 31 May 2014

Classification of Work	Partner (Hours)	Manager (Hours)	Other Senior Professionals (Hours)	Assistants & Support (Hours)	Total (Hours)	Time Cost £	Average Hourly Rate £
Function							
Administration & Planning	8 60	9 30	5 40	8 50	31 80	6,400 10	201 26
Investigations	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Realisation of Assets	6 90	13 80	0 00	6 10	26 80	5,729 50	213 79
Trading	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Creditors	3 60	0 30	3 80	1 10	8 80	2,044 80	232 36
Case Specific Matters	5 20	0 90	1 50	1 10	8 70	2,317 00	266 32
Totals	24 30	24.30	10.70	16.80	76.10	16,491.40	216.71
Total Fees Claimed For the Period (£)	8,140.50	5,724.00	1,954 90	672 00			

Charge-Out Rates	Partner	Manager	Other Senior Professionals	Assistants & Support
From 1st April	320 – 435	215 - 290	176 – 215	40 176
From 1 <sup>st</sup> Jan 2013	335 - 450	230 - 305	191 - 230	40 - 191

Administration and Planning includes case planning, administrative set procedures, appointment notification, general administration, maintenance of records and statutory reporting

Investigation includes reporting on the bankrupt's conduct, investigating antecedent transactions and any other investigations deemed to be appropriate or requested by the creditors

Realisation of Assets includes identifying, securing and insuring assets, sales of businesses, freehold and leasehold property, other fixed assets, motor vehicles, stock and the collection of book debts and dealing with any legal matters related thereto

Trading includes the planning of management operations, cash flow and trading forecasts, dealing with customers and suppliers, trading vat and tax matters and ongoing employee issues

Creditors include creditors meetings, communications with creditors, agreeing secured, preferential and unsecured claims, and retention of title issues with suppliers

Case Specific Matters all other specific issues relating to the case

APPENDIX B1

Joint Liquidators' analysis of the cumulative time costs from 1 June 2012 to 31 May 2014

Classification of Work	Partner (Hours)	Manager (Hours)	Other Senior Professionals (Hours)	Assistants & Support (Hours)	Total (Hours)	Time Cost £	Average Hourly Rate £
Function							
Administration & Planning	40 65	20 10	16 90	22 80	100 45	22,120 10	220 21
Investigations	0 00	0 50	0 00	0 80	1 30	139 50	107 31
Realisation of Assets	32 20	17 80	0 50	12 50	63 00	15,086 50	239 47
Trading	0 00	0 00	0 00	0 00	0 00	0 00	0 00
Creditors	12 55	14 70	25 10	38 30	90 65	13,553 60	149 52
Case Specific Matters	29 20	14 70	4 60	5 30	53 80	14,120 10	262 46
Totals	114 60	67.80	47 10	79.70	309.20	65,019.80	210.28
Total Fees Claimed Since Liquidation(£)	37,402.50	15,957.00	8,472 30	3,188.00			

Charge-Out Rates	Partner	Manager	Other Senior Professionals	Assistants & Support
From 1 <sup>st</sup> Aprıl 2011	320 – 435	215 - 290	176 – 215	40 ~ 176
From 1 <sup>st</sup> Jan 2013	335 - 450	230 - 305	191 - 230	40 - 191

#### APPENDIX C

Creditors Guide to the Fees, Expenses and Disbursements charged by The P&A Partnership Rates applicable from the 1<sup>st</sup> March 2014

## Insolvency Practitioners at the P&A Partnership

John Russell, Brendan Ambrose Guilfoyle, Andrew Philip Wood, Christopher Michael White, Gareth David Rusling and Ashleigh William Fletcher are all licensed by the Insolvency Practitioners Association of Valiant House, 4-10 Heneage Lane, London, EC3A 5DQ Derek Ewan Simpson is licensed by The Institute of Chartered Accountants of Scotland of CA House, 21 Haymarkets Yard, Edinburgh EH12 5BH

#### **Insolvency Practitioners Fees**

The Insolvency Rules 1986 entitles the Insolvency Practitioner to receive remuneration for his services and sets out the basis of how such remuneration shall be fixed which includes a percentage of the assets realised and monies distributed to creditors, a set amount, by reference to the time properly given by the office holders, their partners and staff in attending to matters arising, or one or more of the above bases and different basis may be fixed for different things. Where it has been agreed by resolution of the secured creditors, a creditor's committee or creditors generally, that the office holders remuneration will be calculated by reference to a time basis, then such remuneration will be calculated in units of 6 minutes at the following hourly standard rates -

Grade	Total Hourly Standard Rates £	Total Hourly Complex Rates £
Partners ( London)	450	600
Partners	335	495
Directors	335	495
Associate Partners	335	495
Senior Associates	305	440
Senior Managers	305	345
Cashier Managers	290	
Human Resources Managers	290	
Managers	230	
Cashiers	230	
Senior Administrators	230	
Human Resources Administrators	191	
Administrators	191	
Junior Administrators	75	
Assistants	40	

These are our current hourly charge out rates and are exclusive of value added tax. Rates are reviewed annually and creditors will be advised of any alteration thereto. In cases of exceptional complexity or risk, the insolvency practitioner reserves the right to obtain authority from the secured creditors, creditor's committee or the creditors generally, that their remuneration on such time as is agreed shall be charged on the above higher hourly complex rate

## Debt Collection, Contested Asset Recovery and Related Services

Contested debt collection will be referred to P&A Receivables Services PLC, an associated Company of The P&A Partnership and its dedicated legal firm James Peters & Co The fees of P&A Receivables Services PLC shall be charged by reference to the time properly given by their staff, such fees will be calculated in units of 6 minutes at the hourly rate of £80 P&A Receivable Services PLC may also be used to recover items such as plant and machinery, to locate debtors and to serve documents The fees for work of this nature will be calculated in accordance with P&A Receivables Services PLC's standard rates James Peters & Co fees will be charged by reference to time costs properly incurred, calculated in 6 minute units at an hourly rate of between £109 and £213, plus their disbursements These fees are in accordance with the guideline rates for summary assessment of costs following consultation between the legal profession and the Designated Civil Judge and are typical of legal firms in this geographical area

#### **Expenses and Disbursements**

The payment of Category 1 disbursements will be a charge against the estate to recover the actual cost of the disbursement paid out in respect of the administration of the estate. All circulars will be sent out by first class post and the actual postage costs will be charged as an expense to the estate. A separate amount will be charged by way of an expense to recover the cost of Category 2 disbursements for services provided by the insolvency practitioner's firm Category 2 disbursements will include storage of company's books and records at the insolvency practitioner's own storage facility. The books and records will be stored in banker's boxes and a storage fee will be charged at the rate of £7.50 per box per month. This charge covers the transportation of records from the company's premises, storage, retrieval of books and records in storage for administration purposes and the destruction of such books and records after the first anniversary of the completion of the insolvency administration. The recharge for company searches and electronic identification procedures for all new clients will depend on the documentation requested. Travelling by motor vehicle on business for the administration of the insolvency will be charged to the estate per mile at the appropriate rate currently published by the "AA" for the type of vehicle and engine size used. All circulars will be sent out by first class post and the actual postage costs will be charged as an expense to the estate.

#### Introduction to Lending Sources

The P&A Partnership may make referrals to P&A Lender Services Ltd ('PALS') being an associated Company PALS and its authorised representatives are not authorised under the Financial Services and Markets Act 2000 or by the Financial Services Authority to provide specific investment advice but they may be able to introduce funding seeking parties ('FSP's') to one or more reputable lending services ('Lender')

In such circumstances where any party associated with the referral is subsequently subject to any formal insolvency procedure and the Partners of The P&A Partnership are appointed office holders in relation to any formal insolvency, then any arrangement fees or commissions or payments becoming due to PALS (if any) from any Lender in respect of the acquisition or future trading of the business and assets of the insolvent party, will be paid into the realisation fund in the formal insolvency for the benefit of creditors