

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

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12/03/2020

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COMPANIES HOUSE

<b>1</b>	<b>Company details</b>	
Company number	0 7 7 7 2 1 4 6	<b>→ Filling in this form</b> Please complete in typescript or in bold black capitals.
Company name in full	S C Bunting Ltd	
<b>2</b>	<b>Liquidator's name</b>	
Full forename(s)	Philip	
Surname	Ballard	
<b>3</b>	<b>Liquidator's address</b>	
Building name/number	Trinity House	
Street	28-30 Blucher Street	
Post town	Birmingham	
County/Region		
Postcode	B 1 1 Q H	
Country		
<b>4</b>	<b>Liquidator's name ①</b>	
Full forename(s)	Sajid	<b>① Other liquidator</b> Use this section to tell us about another liquidator.
Surname	Sattar	
<b>5</b>	<b>Liquidator's address ②</b>	
Building name/number	Trinity House	<b>② Other liquidator</b> Use this section to tell us about another liquidator.
Street	28-30 Blucher Street	
Post town	Birmingham	
County/Region		
Postcode	B 1 1 Q H	
Country		

# LIQ03

## Notice of progress report in voluntary winding up

### 6 Period of progress report

From date	d	1	d	3	m	0	m	2	y	2	y	0	y	1	y	9
To date	d	1	d	2	m	0	m	2	y	2	y	0	y	2	y	0

### 7 Progress report

☒ The progress report is attached

### 8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

d	1	d	0	m	0	m	3	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 **Adam Paxton**

Company name **Greenfield Recovery Limited**

Address **Trinity House**

**28-30 Blucher Street**

Post town **Birmingham**

County/Region

Postcode **B 1 1 Q H**

Country

DX

Telephone **0121 201 1720**



**Checklist**

**We may return forms completed incorrectly or with information missing.**

**Please make sure you have remembered the following:**

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



**Important information**

**All information on this form will appear on the public record.**



**Where to send**

**You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:**

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.



**Further information**

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

**This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)**



**S C Bunting Ltd  
(In Liquidation)**

**Registered Number: 07772146**

**Registered Office: c/o Greenfield Recovery Limited  
Trinity House, 28-30 Blucher Street, Birmingham, B1 1QH**

**Liquidators' annual progress report  
prepared in accordance with s104A of the Insolvency Act 1986  
and Rule 18 of the Insolvency Rules 2016**

**10 March 2020**

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## 1 INTRODUCTION

The Company was placed into Liquidation on 13 February 2018.

Sajid Sattar and I, Philip Ballard, are the present Joint Liquidators, Licensed to act as Insolvency Practitioners in the UK by the Institute of Chartered Accountants in England and Wales, and bound by the Insolvency Code of Ethics.

This is the Liquidators' second annual progress report as required by Section 104A of the Insolvency Act 1986, and Rule 18 of the Insolvency Rules 2016. It shows how the Liquidation has been conducted, and the Company's property disposed of, the outcome for creditors, and other information that the Liquidator is required to disclose.

This report covers the 12 month period since the date of my last report and should be read in conjunction with previous reports issued in this matter.

## 2 RECEIPTS AND PAYMENTS ACCOUNT

### Receipts and Payments Account

Attached at Appendix A is a summary of the Liquidators' receipts and payments for the period of 13 February 2019 to 12 February 2020, and for the cumulative period of the Liquidation.

### Asset realisations

During the period, no assets have been realised.

### Unrealised Assets

There are no unrealised assets.

### Payments

The payments reflected on the receipts and payments account at Appendix A show the payments made during made in the period covered by this report and the cumulative period of the liquidation.

Creditors will note that no payments have been made during the period.

In addition to the expenses which have been drawn during this period, I have also incurred the following expenses which have not yet been drawn:

Expense	Provider	Amount (£)
Counsel Fees	St Philips Barristers	3,500.00
Process Server	A.S.H. (UK) Process Servers	82.88
Printing, Postage & Stationery	Greenfield Recovery Limited	3.48
<b>Total</b>		<b>3,586.36</b>

## 3 OUTCOME FOR CREDITORS

### **Secured Creditors**

There are no secured creditors in this matter.

### **Preferential Creditors**

There are no preferential creditors in this matter.

### **Prescribed Part**

Where there is a floating charge created after 15 September 2003, a percentage of the assets realised subject to the charge is ring-fenced for unsecured creditors. This is called the prescribed part of the company's net property available for the satisfaction of unsecured debts.

As there are no unsatisfied post-Enterprise Act charges, there will be no requirement to set aside a prescribed part in this matter.

### **Unsecured Creditors**

In accordance with the Statement of Affairs, unsecured creditors totalled £110,435.67. Claims totalling £107,542.37 have been received from the unsecured creditors.

Based on ongoing legal actions being taken against the director, it is anticipated that there will be sufficient funds to enable a dividend to be declared to unsecured creditors. However, it is not practicable at this point in time for me to estimate the likely return to creditors.

## **4 INVESTIGATIONS**

As set out in my previous report, investigations were ongoing to try and establish why a series of large payments were made from the Company bank account, to the director prior to my appointment. As previously reported, The Wilkes Partnership LLP of 42 Church Street, Birmingham B3 2RT ("Wilkes") have been instructed to act on my behalf.

During the period, a Court hearing was listed for 2:30 p.m. on 13 March 2019 for the director to appear in Court for a private examine. However, upon information being received from the Company accountant a few days prior to the hearing, the Judge ruled that the hearing should be adjourned to consider the new information, and for a meeting to take place between both sides. A Costs Order was also issued against Mr Bunting.

Despite numerous attempts by Wilkes and this office, neither Mr Bunting, nor his accountant provided any availability for a meeting to take place. On 30 April 2019, a letter was received from the Company's accountant requesting time to allow a draft set of accounts to be produced up to 31 December 2015, being the accounting year end following the cessation of trade, and to provide details of how the monies transferred to Mr Bunting had been treated. These were duly received, however, a number of queries had arisen as a result.

Neither Mr Bunting, nor his accountant provided a response to our letter detailing the concerns, and therefore, I instructed Wilkes to request the next available date for the director to appear in Court. This was listed for 10:00 a.m. on 21 October 2019. A few days prior to the Court hearing, the Company accountant produced the information requested originally, however, the hearing still took place.

The Judge ordered that a written transcript of the hearing should be produced, and a further Costs Order was issued against Mr Bunting. Whilst our enquiries in relation to the Company affairs are still ongoing, a Statutory Demand has now been issued against Mr Bunting for the Costs Orders issued against him personally, which have not been settled. Should the monies not be received, a Bankruptcy Petition shall be issued in due course.

Creditors will be informed of any further progress in my subsequent reports.

I confirm that I have complied with my statutory duties, including investigating and reporting to the Department of Business Innovation & Skills in respect of the conduct of the Company's director. My report and disclosures are confidential and are not available to creditors.

## 5 LIQUIDATORS' REMUNERATION AND DISBURSEMENTS AND CREDITORS' RIGHTS

### Statement of Affairs fee

A resolution was passed at the Meeting of Creditors, in relation to my pre-appointment costs, as follows:-

"That Greenfield Recovery Limited's fees in connection with preparing the Statement of Affairs and convening the meetings of members and creditors be approved in the sum of £10,000 plus VAT and disbursements and may be paid as an expense of the liquidation."

The sum of £4,711.67 has been recovered in this respect to date.

It is considered that this fee is fair and reasonable as, in my experience, the average time costs spent carrying out the work required prior to the liquidation of the Company totals £10,000.

### Remuneration

The statutory provisions relating to remuneration are contained in Rules 18.16 and 18.20 of The Insolvency Rules 2016. A Creditors' Guide to Liquidators' fees is available at <https://www.greenfieldrecovery.co.uk/media/591328/liquidations-creditor-fee-guide-april-2017.pdf> on the 'Costs and Fees' page or upon request to our office. Should a hardcopy of any document be required, this will be provided free of charge.

The Joint Liquidators' had previously convened two decision procedures on 16 March 2018 and 10 August 2018, to fix the basis of their remuneration. However, no votes were received by the deadlines, and accordingly the basis of their remuneration had not been fixed.

As such, I instructed The Wilkes Partnership, to make an application to Court pursuant to Rule 18.23 of the Insolvency Rules 2016, to fix the basis of my remuneration. On 20 August 2019, the Court approved my remuneration, estimated at £94,437.86 on a time costs basis. The Court agreement acts as a cap and I cannot draw remuneration in excess of the agreed amount without first seeking approval from the Court.

During the period from 13 February 2019 to 12 February 2020, I have incurred time charges of £24,125.25, representing a total of 74.90 hours having been spent on the administration of this case. Therefore, the average hourly rate equates to £322.10. No Liquidator fees have been drawn during the period of this report.

For the entire period of the liquidation, I have incurred time of £58,887.25, representing a total of 199.00 hours having been spent on the administration of this case. Therefore the average hourly rate equates to £295.92, as compared with the estimated average charge out rate from the original fees estimate of £328.17. No Liquidator fees have been drawn since the commencement of the liquidation.

The work has been categorised into the following task headings and sub-categories.

#### Administration and Planning

This category of work includes case planning and set-up, appointment notification, statutory reporting, compliance, cashiering, accounting and administrative functions.

The work undertaken in this category is required as part of my statutory and regulatory requirements and is unlikely to directly produce a financial benefit to creditors.

#### Investigations

The work recorded in this category will relate to my initial assessment of the Company's affairs as required by Statement of Insolvency Practice 2.



This includes an analysis of the Company's bank statement, consideration of the Company's financial statements and a review of the Company's books and records, where available. In addition, the work undertaken includes reporting on the Director's conduct as required by the Company Directors Disqualification Act 1986 (as amended).

As can be seen in Section 4, significant time has been spent on this matter pursuing the director for explanations relating to a number of large payments made to and from the Company bank account. As this is the only outstanding matter in the Liquidation, it is anticipated that the majority of the remaining work being undertaken shall fall under this category.

The investigation work undertaken is required as part of my statutory duties outlined above. Further investigations may be undertaken with a view to increasing funds available to creditors. As such, investigative work may have a financial benefit to creditors.

#### **Realisation of Assets**

This category of work includes any action undertaken in order to protect or realise any assets of the Company. Work may be undertaken in order to put insurance in place or assess whether there are assets which may result in a realisation and time costs may be incurred in this category even if there have been no asset realisations.

In this case, the Statement of Affairs indicated that the assets of the Company were third party funds.

#### **Creditors**

This category includes entering of creditors information on IPS, communications with creditors, preparing reports to creditors, creditors' meetings, processing proofs of debt and progressing employee related claims.

The work required in this category is required as part of my statutory and regulatory duties and is necessary but it is unlikely to provide any direct financial benefit to creditors.

In order that creditors may properly review the time spent on the administration of this case, I enclose herewith a detailed schedule at Appendix B and for the purposes of comparison a copy of the original fees estimate at Appendix C. The table below also provides a comparison between the initial fees estimate and the time spent on the case to date.

Category of Work	Estimated No. of Hours	Actual Hours Spent	Estimated Hourly Rate (£)	Actual Hourly Rate (£)	Estimated Total Time (£)	Actual Total Time Costs (£)
Admin and Planning	69.44	76.60	326.04	248.82	22,638.93	19,059.75
Investigations	169.86	91.95	324.77	322.08	55,164.29	29,615.00
Realisation of Assets	23.57	16.10	343.33	380.75	8,092.86	6,130.00
Creditors	24.91	14.35	342.95	284.49	8,541.79	4,082.50
<b>Total</b>	<b>287.77</b>	<b>199.00</b>	<b>328.17</b>	<b>295.92</b>	<b>94,437.86</b>	<b>58,887.25</b>

The overall time incurred to date is within the estimate approved by Court. However, no Liquidators fees have been drawn since my appointment in this matter.

In common with other professional firms, our firm's charge-out rates increase from time to time over the period of the administration of a case. Specific details of the current charge-out rates applicable to those staff who worked on this case are also available at [www.greenfieldrecovery.co.uk](http://www.greenfieldrecovery.co.uk) on the 'Costs and Fees' page or upon request to our office.

## Category 2 disbursements

These are costs that are directly referable to the appointment, but not a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage.

Payment of these disbursements was approved by Court on 20 August 2019. A copy of the Court estimate is included at Appendix C.

No category 2 disbursements have been recharged in relation to this matter during the period of this report, however, printing, postage and stationery costs of £3.48 have been incurred.

## Expenses Incurred

As referred to above, The Wilkes Partnership LLP of 42 Church Street, Birmingham B3 2RT have been instructed to assist in relation to pursuing the director for a number of unexplained transactions from the Company bank account, in addition to making an application to Court to fix my remuneration.

They are engaged on a Conditional Fee Arrangement (CFA) basis, whereby time costs are dispersed from successful realisation.

## Creditors' Rights

Pursuant to Rules 18.9 and 18.34 of the Rules, enclosed is guidance to both the members and creditors of how to request further information regarding the conduct of the liquidation and what steps a creditor can take if they do not agree with the quantum of the remuneration and expenses that have been drawn.

## 6 OUTSTANDING MATTERS AND END OF LIQUIDATION

As set out above in more detail above, I am not yet in a position to conclude the liquidation as Wilkes are continuing to pursue Mr Bunting for information regarding a number of large payments made from the Company bank account.

Once all matters have been finalised I will take steps to complete the liquidation.

If you wish to discuss the issues raised in this report or require any additional information, please contact Adam Paxton of this office.

Yours faithfully  
for and on behalf of  
S C Bunting Ltd



Philip Ballard  
Joint Liquidator

*Philip Ballard and Sajid Sattar are authorised to act as insolvency practitioners in the UK by Institute of Chartered Accountants in England and Wales and are bound by the Insolvency Code of Ethics.*

**APPENDIX A**

**ACCOUNT OF LIQUIDATORS' RECEIPTS AND PAYMENTS FOR THE PERIOD  
FROM 13 FEBRUARY 2019 TO 12 FEBRUARY 2020  
AND FOR THE CUMULATIVE PERIOD OF THE LIQUIDATION**

**See attached**

**S C Bunting Ltd**  
**(In Liquidation)**  
**Joint Liquidators' Summary of Receipts & Payments**

Statement of Affairs £		From 13/02/2019 To 12/02/2020 £	From 13/02/2018 To 12/02/2020 £
	<b>ASSET REALISATIONS</b>		
NIL	Tangible Assets	NIL	NIL
NIL	Intangible Assets/Goodwill	NIL	NIL
6,000.00	Third party funds	NIL	6,000.00
	Bank Interest Gross	NIL	0.12
		NIL	6,000.12
	<b>COST OF REALISATIONS</b>		
	Petitioners Costs	NIL	920.00
	Preparation of S. of A.	NIL	4,711.67
	Statutory Advertising	NIL	216.00
		NIL	(5,847.67)
	<b>UNSECURED CREDITORS</b>		
(5,000.00)	Trade & Expense Creditors	NIL	NIL
(105,435.67)	HM Revenue & Customs	NIL	NIL
		NIL	NIL
	<b>DISTRIBUTIONS</b>		
(1,001.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
<b>(105,436.67)</b>		<b>NIL</b>	<b>152.45</b>
	<b>REPRESENTED BY</b>		
	Vat Receivable		152.33
	Bank 1 Current		0.12
			<b>152.45</b>



Philip Ballard  
Joint Liquidator

**APPENDIX B**

**SUMMARY OF LIQUIDATORS' TIME COSTS FOR THE PERIOD  
FROM 13 FEBRUARY 2019 TO 12 FEBRUARY 2020  
AND FOR THE CUMULATIVE PERIOD OF THE LIQUIDATION**

**See attached**

# Time Entry - SIP9 Time & Cost Summary

SCB001 - S C Bunting Ltd  
Project Code: POST  
From: 13/02/2019 To: 12/02/2020

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	1.20	1.20	6.95	2.10	11.45	2,817.75	246.09
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	6.90	0.30	7.20	1,762.50	244.79
Investigations	9.50	19.15	21.10	0.00	49.75	16,995.00	341.61
Marketing	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Non Chargeable	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	1.40	4.80	0.30	0.00	6.50	2,550.00	392.31
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>12.10</b>	<b>25.15</b>	<b>35.25</b>	<b>2.40</b>	<b>74.90</b>	<b>24,125.25</b>	<b>322.10</b>
<b>Total Fees Claimed</b>						<b>0.00</b>	
<b>Total Disbursements Claimed</b>						<b>0.00</b>	

# Time Entry - SIP9 Time & Cost Summary

SCB001 - S C Bunting Ltd  
 Project Code: POST  
 From: 13/02/2018 To: 12/02/2020

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Admin & Planning	1.20	17.60	54.45	3.35	76.60	19,059.75	248.82
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	4.45	9.60	0.30	14.35	4,082.50	284.49
Investigations	9.50	40.05	42.40	0.00	91.95	29,615.00	322.08
Marketing	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Non Chargeable	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	1.40	13.60	1.10	0.00	16.10	6,130.00	380.75
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>12.10</b>	<b>75.70</b>	<b>107.55</b>	<b>3.65</b>	<b>199.00</b>	<b>58,887.25</b>	<b>295.92</b>
<b>Total Fees Claimed</b>						0.00	
<b>Total Disbursements Claimed</b>						0.00	

**APPENDIX C**

**LIQUIDATORS' FEES AND DISBURSEMENTS ESTIMATES**

**See attached**



**IN THE MATTER OF S C BUNTING LTD - IN LIQUIDATION  
SUMMARY OF THE PROPOSED FEES OF THE JOINT LIQUIDATORS**

	Estimated Hours	Estimated Fees £	Ave. Rate £
<b>Statutory Duties, Administration and Planning</b>	69.44	22,638.93	326.04
Set-up of IP working files and online systems, strategic planning meetings at all levels and other administrative matters anticipated to arrive during the course of the liquidation that may not be assigned to any other category.			
Notification of appointment to various parties in accordance with the Insolvency Act 1986 (as amended) ("the Act") and the Insolvency (England and Wales) Rule 2016 (as amended) ("the Rules").			
Securing and scheduling the books and records of the company. Maintenance of the liquidator's working files to comply with the legislation, filing of documents etc. Completion and review of standard checklists to ensure that all required steps within the liquidation have been actioned.			
Complying with various statutory obligations in accordance with the Act, the Rules and other related legislation, not otherwise categorised.			
Cashiering costs to include funds received, raising payments, recording all transactions on the liquidators' electronic records to comply with Statement of Insolvency Practice 7, opening and closing client bank account and completion of monthly bank reconciliations.			
Periodic manager reviews completed to ensure that all aspects of the liquidation are dealt with to a high standard (as required by our Recognised Professional Bodies). Periodic review of the application of ethical, anti-money laundering and anti-bribery safeguards.			
Preparation, completion and submission of corporation tax, VAT and any other applicable tax returns relating to the period of appointment.			
Drafting and issuing the liquidators' final progress report and account. The completion of all necessary returns and notices to obtain the liquidators' release from office in accordance with the Act and Rules.			
<b>Creditors</b>	24.91	8,541.79	342.95
X Communication with creditors and their representatives including dealing with telephone enquiries, responding to correspondence received (either electronically or by way of a formal response) in relation to all aspects of the assignment.			
Drafting of annual or periodic reports to creditors.			
X Updating the liquidators' computerised records for any proof of debt forms received and ensuring that such records are kept up-to-date with creditor contact details, references etc. A detailed review of all creditor claims received and verify against the company's records and the evidence submitted in support of the claims for all classes of creditor (secured, preferential & unsecured).			
X To correspond with creditors where there is further evidence or information required and, where necessary, taking independent advice as regards the validity of the creditors' claims and/or security. Where appropriate, issue a letter to each creditor agreeing their claim. Where no claim received, follow the dividend declaration process as set out in the Rules and provide notice of the intended dividend(s). Calculate and prepare the dividend(s) to each relevant class of creditor, including issuing a letter, a payment and making the necessary declaration of any deductions at source to HMRC. Dealing with unclaimed dividends.			
<b>Investigations</b>	169.86	55,164.29	324.77
Investigation as regards the financial affairs of the company and the conduct of its directors. Correspondence with the directors, employees or third parties making further enquiries into the affairs of the company. Reviewing the books and records of the company. The preparation and submission of a report to the Department for Business Innovation and Skills in accordance with the Company Director Disqualification Act 1986. Assisting the Insolvency Service with their investigations.			
X Seeking further information and, if necessary, taking independent advice as regards any potential antecedent transactions. If necessary, reconstruction of the financial affairs of the company.			
<b>Realisation of Assets</b>	23.57	8,092.86	343.33

X Review the records of the company and the directors Statement of Affairs to identify the assets of the company

X Agree and monitor payment plan in respect of the overdrawn director's loan account.

The instruction of agents to assist in the identification and valuation of the assets. Agree a disposal strategy with the agents. Identifying third parties who may be interested in purchasing the assets and  
X dealing with all negotiation and sale of such assets If necessary, liaising with legal advisors in order to pursue the realisations.

Special Purpose Work	0.00	0.00	0.00
None at present			

Total Estimate	<u>287.77</u>	<u>94,437.86</u>	328.17
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#### Note

The wording in each category in the above estimate is only intended to provide creditors with an indication of the various key matters likely to be addressed during the process of the administration of the liquidation estate. The descriptions are not exhaustive and work may be undertaken in dealing with the liquidation which has not been specifically stated. Furthermore, the estimate is based upon the information available to date and there are various factors which may affect the time costs actually incurred. In the event that time costs exceed the above estimate, the liquidators may require creditors to vote upon a further resolution in due course as regards an increase in the costs of the liquidation.

The majority of tasks undertaken are done so with a view to maximising the return to creditors by focusing on the realisation of assets, investigating the financial affairs of the Company and adjudication upon creditor claims in the proceedings. These tasks are considered to be for the benefit of the  
X general body of creditors, and marked with an 'X' for creditors' ease of reference. Whilst some of the statutory and regulatory tasks undertaken do not have a direct benefit to creditors, they assist in the efficient and compliant progression of the liquidation, which ensures that the liquidators' and their staff carry out our work to the highest professional standard.

**APPENDIX D**

**EXTRACT OF RULES 18.9 AND 18.34**

**See attached**

**Rule 18.9 - Creditors' and members' requests for further information in administration, winding up and bankruptcy**

- 18.9(1) [Who may make written request] 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.
- 18.9(2) [Request or application court for permission filed in court] 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.
- 18.9(3) [Duty of office-holder to respond to request] 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.
- 18.9(4) [Office-holder may provide partial information or decline request] 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.
- 18.9(5) [Reasons in r.18.9(4)] 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.
- 18.9(6) [Application to court] 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.
- 18.9(7) [Court order] The court may make such order as it thinks just on an application under paragraph (6).

**Rule 18.34 - Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive**

- 18.34(1) [Application of rule] 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.
- 18.34(2) [Who may make application] 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.
- 18.34(3) [Time limit for application] 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").