

# WU15

## Notice of final account prior to dissolution in a winding up by the court



Companies House

WEDNESDAY



\*A95H5KH4\*

A19

20/05/2020

#166

COMPANIES HOUSE

### 1 Company details

Company number 0 7 7 9 8 9 8 7

Company name in full Beta Commodities Limited

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

### 2 Liquidator's name

Full forename(s) Nigel

Surname Fox

### 3 Liquidator's address

Building name/number Highfield Court

Street Tollgate

Post town Chandlers Ford

County/Region Eastleigh

Postcode S O 5 3 3 T Y

Country

### 4 Liquidator's name

Full forename(s) Nedim

Surname Ailyan

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

### 5 Liquidator's address

Building name/number 142-148 Main Road

Street

Post town Sidcup

County/Region

Postcode D A 1 1 6 N Z

Country

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

WU15

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**6 Liquidator's release**

Did any of the creditors object to the liquidator's release?

☐ Yes

☒ No

**7 Date of final account**

Date 

d	2	d	5	m	0	m	3	y	2	y	0	y	2	y	0
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

**8 Final account**

☒ The final account is attached

**9 Sign and date**

Liquidator's signature

Signature

X

*[Handwritten signature]*

X

Signature date 

d	2	d	0	m	0	m	5	y	2	y	0	y	2	y	0
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WU15

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### 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	Lisa Duell
Company name	RSM Restructuring Advisory LLP
Address	Highfield Court, Tollgate
	Chandlers Ford
Post town	Eastleigh
County/Region	
Postcode	S O 5 3 3 T Y
Country	
DX	
Telephone	02380 646 464



### 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)

**In the matter of**

**Beta Commodities Limited In Liquidation  
('the Company')**

**In the High Court of Justice no 8743 of 2013**

**Joint Liquidators' final account**

**19 September 2019 to 25 March 2020**

**Nigel Fox and Nedim Ailyan  
Joint Liquidators**

**RSM Restructuring Advisory LLP  
Highfield Court, Tollgate  
Chandlers Ford  
Eastleigh  
SO53 3TY  
Tel: 023 8064 6437  
Email: [lisa.duell@rsmuk.com](mailto:lisa.duell@rsmuk.com)**

**Abbott Fielding Limited  
142-148 Main Road  
Sidcup  
Kent  
DA14 6NZ**

## Sections

1. Conduct of the winding-up
2. Creditors' claims and dividend information
3. Receipts and payments
4. Costs and Joint Liquidators' remuneration
5. Creditors' right to information and ability to challenge remuneration and expenses
6. Closure of liquidation

## Appendices

- A. Statutory and other information
- B. Dividend information
- C. Summary of receipts and payments
- D. Joint Liquidators' charging, expenses and disbursements policy statements
- E. Joint Liquidators' current charge out and category 2 disbursement rates
- F. Statement of expenses incurred by the Joint Liquidators in the period from 19 September 2019 to 25 March 2020
- G. Joint Liquidators' time cost analysis for the period from 19 September 2019 to 25 March 2020
- H. Notice that company's affairs are fully wound up

This final account has been prepared in accordance with insolvency legislation to provide creditors with information relating to the progress of the Compulsory Liquidation in the period from 19 September 2019 to 25 March 2020. This final account should be read in conjunction with any previous reports that have been issued, copies of which are available on request.

This final account has been prepared solely to comply with the requirements of the legislation. It has not been prepared for use in respect of any other purpose, or to inform any investment decision in relation to any debt or financial interest in the Company.

Neither the Joint Liquidators, RSM Restructuring Advisory LLP nor Abbott Fielding Limited accept any liability whatsoever arising as a result of any decision or action taken or refrained from as a result of information contained in this report.

## **1 Conduct of the winding-up**

### **1.1 Realisation of assets**

The Joint Liquidators are obliged to collect in the Company's property and maximise realisations. In some cases this does not result in sufficient realisations to give a financial return to creditors, after taking into account the costs and expenses of realisation and dealing with the legislative requirements of administering the case.

### **1.2 Claim for compensation for mis-selling of interest rate hedging product**

The Joint Liquidators have now completed their investigations and confirmed that there is no evidence of mis-selling, or redress due to the Company.

### **1.3 Administration and planning**

Certain aspects of the work that the Joint Liquidators undertake are derived from the legal and regulatory framework for cases of this nature. This work, which does not usually result in any direct financial return to creditors, is a necessary aspect of ensuring that the Joint Liquidators are complying with legislative and best practice responsibilities. It includes matters such as:

- Periodic case reviews, ongoing case planning and strategy
- Maintaining and updating computerised case management records
- Dealing with routine correspondence not attributable to other categories of work
- Ongoing consideration of ethical and anti-money laundering regulations
- General taxation matters, including seeking tax clearance from HMRC
- Preparation of receipts and payments accounts, maintenance of cashing records
- Preparing, reviewing and issuing final report to creditors and other parties
- Filing of final documentation at Companies House, Court and other relevant parties

## **2 Creditors' claims and dividend information**

Creditors' claims as set out in the Estimated Financial Position totalled £341,208.

To date, claims totalling £1,112,497 have been received.

No dividend will be distributed as insufficient funds have been realised.

The Joint Liquidators are obliged to deal with a number of matters in relation to creditors to comply with legislative and best practice requirements. Creditors would only derive an indirect financial return from this work on cases where a dividend has been paid. These matters include:

- Preparation and issue of progress reports and associated documentation
- Maintenance of schedules of preferential and unsecured creditors' claims
- Dealing with correspondence and telephone calls
- Where necessary, consideration of creditors' claims; acceptance or rejection of claims and complying with legislative obligations in relation to adjudication of creditors' claims generally for voting and, if applicable, dividend purposes

### **2.1 Prescribed part**

There are no creditors secured by charges over the assets and undertakings of the Company. There is therefore no requirement to estimate the amount of the prescribed part of the assets under Section 176A of the Insolvency Act 1986.

## **3 Receipts and payments**

We attach a summary of our receipts and payments for the period from 19 September 2019 to 25 March 2020 at Appendix C. We have reconciled this account with that which is held by the Secretary of State in respect of the liquidation.

Receipts and payments are shown net of VAT, with any amount due to or from HM Revenue and Customs shown separately.

## **4 Costs and Joint Liquidators' remuneration**

### **4.1 Authority for remuneration and disbursements**

The Joint Liquidators obtained approval for their remuneration and disbursements (if any were drawn) by creditors on 2 May 2014, the decisions stating:-

- "The Joint Liquidators shall be authorised to draw their remuneration based upon their time costs by reference to the time properly given by the Liquidators and their staff, in attending to matters arising in the liquidation at their standard hourly rates, at the rates prevailing at the time the work is done."
- and
- "The Joint Liquidators be authorised to draw 'Category 2' disbursements out of the assets as an expense of the liquidation, at the rates prevailing at the time the cost is incurred."

### **4.2 Remuneration and expenses incurred in the period from 19 September 2019 to 25 March 2020 and since appointment**

Abbott Fielding Limited have incurred time costs of £550 and RSM Restructuring Advisory LLP have incurred time costs of £1,220 in respect of work done in the current period (a summary of which is set out in Appendix G). Total time costs of £27,685 have been incurred since appointment of which £11,472 has been incurred by Abbott Fielding Limited and £16,213 has been incurred by RSM Restructuring Advisory LLP. No remuneration has been drawn and all of the time costs will be written off.

The work that we do as Joint Liquidators is derived from the responsibilities placed upon us by the legal and regulatory framework for work of this nature. The actual matters with which we have dealt are set out briefly in our earlier reports to creditors and this final account.

We believe this case generally to be of average complexity and accordingly no extraordinary responsibility has to date fallen upon us as Joint Liquidators. The underlying basis of charging proposed to and approved by the creditors has been Abbott Fielding Limited's and RSM Restructuring Advisory LLP's standard charge out rates. Abbott Fielding Limited's and RSM Restructuring Advisory LLP's charge out rates have been reviewed periodically.

### **4.3 Expenses and disbursements**

Attached are the Joint Liquidators' charging, expenses and disbursement policy statements, together with the current rates. Details of the expenses (including category 1 and category 2 disbursements) that the Joint Liquidators have incurred in the period of the report are also attached. Expenses paid in the period, along with cumulative figures, are shown in the attached receipts and payments account.

#### **4.3.1 Other professional costs**

Whilst professional costs are not subject to approval by the approving body, all professional costs are subject to review before being paid.

## **5 Creditors' right to information and ability to challenge remuneration and expenses**

In accordance with the provisions of rule 18.9 Insolvency (England and Wales) Rules 2016 creditors have a right to request further information about remuneration or expenses and to challenge such remuneration or expenses under rule 18.34.

If you wish to make a request for further information then it must be made within 21 days of receipt of this report in writing by either

- (i) any secured creditor; or
- (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors.

Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to court on the grounds that the remuneration charged, the basis fixed or expenses incurred by the Joint Liquidators are in all the circumstances excessive.

Any such challenge must be made no later than eight weeks after receipt of the report or final account which first discloses the charging of remuneration or incurring of the expenses in question.

A Guide to Liquidators Fees, which provides information for creditors in relation to the remuneration of a Liquidator, can be accessed at <https://rsmuk.ips-docs.com/case/1067166/SAXHifWd> under 'general information for creditors'. A hard copy can be requested from my office by telephone, email or in writing.

## **6 Closure of liquidation**

### **6.1 Notice that the company's affairs are fully wound up**

Please see attached notice, which explains creditors' rights in respect of the closure of the liquidation. In addition to setting out creditors' rights, the notice explains how the Joint Liquidators will vacate office and obtain their release under the legislation.

### **6.2 Release of Joint Liquidators**

We can advise that our release as Joint Liquidators will be effective on the filing with the Registrar of Companies and with the court of a copy of our final account and statement whether any of the company's creditors objected to the Joint Liquidators' release. Further details are given in the notice that the company's affairs are fully wound up.

### **6.3 Dissolution of the Company**

The Company will be dissolved automatically (cease to exist) three months after we file our final account and statement with the Registrar of Companies.

Should you have any further queries please do not hesitate to contact my office.



**Nigel Fox**  
**RSM Restructuring Advisory LLP**  
Joint Liquidator

Nigel Fox is licensed to act as an Insolvency Practitioner in the UK by the Institute of Chartered Accountants in England and Wales  
Nedim Aliyari is licensed to act as an Insolvency Practitioner in the UK by the Insolvency Practitioners Association  
Insolvency Practitioners are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment



## Appendix A

### Statutory and other information

Company information	
Company name:	Beta Commodities Limited
Company number:	07798987
Date of incorporation:	5 October 2011
Previous company names:	N/A
Trading name:	Alpha Commodities
Trading address:	26-28 Bedford Row, London WC1R 4HE
Principal activity:	Commodities broking
Registered office:	RSM Restructuring Advisory LLP, Highfield Court, Tollgate, Chandlers Ford, Eastleigh SO53 3TY
Previous registered office:	26-28 Bedford Row, London WC1R 4HE

Liquidation information		
Joint Liquidators:	Nigel Fox and Nedim Ailyan	
Date of appointment:	19 September 2014	
Court & reference:	In the High Court of Justice No. 8743 of 2013	
Appointment Method:	By court	
Functions:	<p>The Joint Liquidators' appointment specified that they would have power to act jointly and severally.</p> <p>The Joint Liquidators have exercised, and will continue to exercise, all of their functions jointly and severally as stated in the notice of appointment.</p>	
Correspondence address & contact details of case administrator:	<p>Lisa Duell</p> <p>023 8064 6437</p> <p>RSM Restructuring Advisory LLP, Highfield Court, Tollgate, Chandlers Ford, Eastleigh SO53 3TY</p>	
Name, address & contact details of Joint Liquidators:	<p><b>Primary Office Holder</b></p> <p>Nigel Fox</p> <p>RSM Restructuring Advisory LLP</p> <p>Highfield Court, Tollgate,</p> <p>Chandlers Ford, Eastleigh SO53 3TY</p> <p>IP Number: 8891</p>	<p><b>Joint Office Holder:</b></p> <p>Nedim Ailyan</p> <p>Abbott Fielding Limited</p> <p>142-148 Main Road, Sidcup</p> <p>Kent DA14 6NZ</p> <p>IP Number: 9072</p>

## Appendix B

### Dividend information

	Owed*	Paid	Date paid
Secured creditor	N/A	N/A	N/A
Preferential creditors	N/A	N/A	N/A
Unsecured creditors	£1,112,497	NIL	N/A
Estimated net property	N/A		
Estimated prescribed part available for unsecured creditors	N/A		

\* Per claims received

**Beta Commodities Limited Trading As: Alpha Commodities**  
**(In Liquidation)**  
**Liquidators' Summary of Receipts & Payments**

Statement of Affairs £	From 19/09/2019 To 25/03/2020 £	From 19/09/2014 To 25/03/2020 £
	<b>COST OF REALISATIONS</b>	
	Bank Charges	22.00
	ISA Quarterly Charges	462.00
	Official Receivers Remuneration	2,477.85
	(44.00)	(2,961.85)
	<b>UNSECURED CREDITORS</b>	
(341,208.40)	Trade & Expense Creditors	NIL
	NIL	NIL
	<b>DISTRIBUTIONS</b>	
(100.00)	Deposit on creditors petition	1,165.00
	NIL	1,165.00
<b>(341,308.40)</b>	<b>(44.00)</b>	<b>(1,796.85)</b>
	<b>REPRESENTED BY</b>	
	Insolvency Service Account (ISA)LQD	(1,796.85)
		<b>(1,796.85)</b>

Note:

1. The company is not VAT registered. The costs of the liquidation are shown inclusive of VAT.

## Appendix D

### RSM Restructuring Advisory LLP charging, expenses and disbursements policy statement

#### Charging policy

- Partners, directors, managers, administrators, cashiers, secretarial and support staff are allocated an hourly charge out rate which is reviewed from time to time.
- Work undertaken by cashiers, secretarial and support staff will be or has been charged for separately and such work will not or has not also been charged for as part of the hourly rates charged by partners, directors, managers and administrators.
- Time spent by partners and all staff in relation to the insolvency estate is charged to the estate.
- Time is recorded in 6-minute units at the rates prevailing at the time the work is done.
- The current charge rates for RSM Restructuring Advisory LLP Southampton are attached.
- Time billed is subject to Value Added Tax at the applicable rate, where appropriate.
- It is the office holder's policy to ensure that work undertaken is carried out by the appropriate grade of staff required for each task, having regard to its complexity and the skill and experience actually required to perform it.
- RSM Restructuring Advisory LLP's charge out rates are reviewed periodically.

#### Expenses and disbursements policy

- Only expenses and disbursements properly incurred in relation to an insolvency estate are re-charged to the insolvency estate.
- Expenses and disbursements which comprise external supplies of incidental services specifically identifiable to the insolvency estate require disclosure to the relevant approving party, but do not *require approval of the relevant approving party prior to being drawn from the insolvency estate*. These are known as 'category 1' disbursements.
- Expenses and disbursements which are not capable of precise identification and calculation (for example any which include an element of shared or allocated costs) or payments to outside parties that the firm or any associate has an interest, require the approval of the relevant approving party prior to being drawn from the insolvency estate. These are known as 'category 2' disbursements.
- A decision regarding the approval of category 2 disbursements at the rates prevailing at the time the cost is incurred to RSM Restructuring Advisory LLP Southampton will be sought from the relevant approving party in accordance with the legislative requirements.
- General office overheads are not re-charged to the insolvency estate as a disbursement.
- Any payments to outside parties in which the office holder or his firm or any associate has an interest will only be made with the approval of the relevant approving party.
- Expenses and disbursements re-charged to or incurred directly by an insolvency estate are subject to VAT at the applicable rate, where appropriate.

## PRACTICE FEE RECOVERY POLICY FOR ABBOTT FIELDING LIMITED

### Introduction

The insolvency legislation was changed in October 2015, with one or two exceptions, for insolvency appointments made from that time. This sheet explains how we intend to apply the alternative fee bases allowed by the legislation when acting as office holder in insolvency appointments. The legislation allows different fee bases to be used for different tasks within the same appointment. The fee basis, or combination of bases, set for a particular appointment is/are subject to approval, generally by a committee if one is appointed by the creditors, failing which the creditors in general meeting, or the Court.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. Details about how an office holder's fees may be approved for each case type are available in a series of guides issued with Statement of Insolvency Practice 9 (SIP 9) and can be accessed at <http://www.abbottfielding.co.uk/information-for-creditors/>. Alternatively a hard copy is available on request. Please note that we have provided further details in this policy document.

Once the basis of the office holder's remuneration has been approved, a periodic report will be provided to any committee and also to each creditor. The report will provide a breakdown of the remuneration drawn. If approval has been obtained for remuneration on a time costs basis, i.e. by reference to time properly spent by members of staff of the practice at our standard charge out rates, the time incurred will also be disclosed, whether drawn or not, together with the average, or "blended" rates of such costs. Under the legislation, any such report must disclose how creditors can seek further information and challenge the basis on which the fees are calculated and the level of fees drawn in the period of the report. Once the time to challenge the office holder's remuneration for the period reported on has elapsed, then that remuneration cannot subsequently be challenged.

Under some old legislation, which still applies for insolvency appointments commenced before 6 April 2010, there is no equivalent mechanism for fees to be challenged.

### Time cost basis

When charging fees on a time costs basis we use charge out rates appropriate to the skills and experience of a member of staff and the work that they perform. This is combined with the amount of time that they work on each case, recorded in 6 minute units with supporting narrative to explain the work undertaken.

### Chargeout Rates

Grade of staff	Current charge-out rate per hour, effective from 1 February 2020 £	Previous charge-out rate per hour, effective from 1 February 2019 £
Partner – appointment taker	385-550	375-540
Managers	310-400	300-390
Administrators	210-290	200-290
Support Staff	210-280	200-240

These charge-out rates charged are reviewed on an annual 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. The work is generally recorded under the following categories:

- Administration and Planning.
- Investigations.
- Realisation of Assets.
- Creditors.
- Trading
- Case specific matters.

In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and on new appointments although we will generally continue to seek fees on a time cost basis in some circumstances we may seek time costs for the following categories:

- Investigations

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When we seek time costs approval we have to set out a fees estimate. That estimate acts as a cap on our time costs so that we cannot draw fees of more than the estimated time costs without further approval from those who approved our fees. When seeking approval for our fees, we will disclose the work that we intend to undertake, the hourly rates we intend to charge for each part of the work, and the time that we think each part of the work will take. We will summarise that information in an average or "blended" rate for all of the work being carried out within the estimate. We will also say whether we anticipate needing to seek approval to exceed the estimate and, if so, the reasons that we think that may be necessary.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If we subsequently need to seek authority to draw fees in excess of the estimate, we will say why we have exceeded, or are likely to exceed the estimate; any additional work undertaken, or proposed to be undertaken; the hourly rates proposed for each part of the work; and the time that the additional work is expected to take. As with the original estimate, we will say whether we anticipate needing further approval and, if so, why we think it may be necessary to seek further approval.

#### **Percentage basis**

The legislation allows fees to be charged on a percentage of the value of the property with which the office holder has to deal (realisations and/or distributions). Different percentages can be used for different assets or types of assets. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a percentage basis more often. A report accompanying any fee request will set out the potential assets in the case, the remuneration percentage proposed for any realisations and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval, but must be disclosed to help put the remuneration request into context.

The percentage approved in respect of realisations will be charged against the assets realised, and where approval is obtained on a mixture of bases, any fixed fee and time costs will then be charged against the funds remaining in the liquidation after the realisation percentage has been deducted.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a percentage basis then an increase in the amount of the percentage applied can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the percentage applied. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

#### **Fixed fee**

The legislation allows fees to be charged at a set amount. Different set amounts can be used for different tasks. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a fixed fee basis more often. A report accompanying any fee request will set out the set fee that we proposed to charge and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval, but must be disclosed to help put the remuneration request into context.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a fixed fee basis then an increase in the amount of the fixed fee can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the fixed fee. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

## **Members' voluntary liquidations and Voluntary Arrangements**

The legislation changes that took effect from 1 October 2015 did not apply to members' voluntary liquidations (MVL), Company Voluntary Arrangements (CVA) or Individual Voluntary Arrangements (IVA). In MVLs, the company's members set the fee basis, often as a fixed fee. In CVAs and IVAs, the fee basis is set out in the proposals and creditors approve the fee basis when they approve the arrangement.

### **All bases**

With the exception of Individual Voluntary Arrangements and Company Voluntary Arrangements which are VAT exempt, the officeholder's remuneration invoiced to the insolvent estate will be subject to VAT at the prevailing rate.

### **Agent's Costs**

Charged at cost based upon the charge made by the Agent instructed, the term Agent includes:

- Solicitors/Legal Advisors
- Auctioneers/Valuers
- Accountants
- Quantity Surveyors
- Estate Agents
- Other Specialist Advisors

In new appointments made after 1 October 2015, the office holder will provide details of expenses to be incurred, or likely to be incurred, when seeking fee approval. When reporting to the committee and creditors during the course of the insolvency appointment the actual expenses incurred will be compared with the original estimate provided.

### **Disbursements**

In accordance with SIP 9 the basis of disbursement allocation in respect of disbursements incurred by the Office Holder in connection with the administration of the estate must be fully disclosed to creditors. Disbursements are categorised as either Category 1 or Category 2.

Category 1 expenses are directly referable to an invoice from a third party, which is either in the name of the estate or Abbott Fielding Limited; in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the estate. These disbursements are recoverable in full from the estate without the prior approval of creditors either by a direct payment from the estate or, where the firm has made payment on behalf of the estate, by a recharge of the amount invoiced by the third party. Examples of category 1 disbursements are statutory advertising, external meeting room hire, external storage, specific bond insurance and Company search fees.

Category 2 expenses are incurred by the firm and recharged to the estate; they are not attributed to the estate by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full from the estate, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of category 2 disbursements are photocopying, internal room hire, internal storage and mileage.

It is proposed that the following Category 2 disbursements are recovered:

Mileage	50p per mile
Photocopying	10p per sheet

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## Appendix E

### RSM Restructuring Advisory LLP Southampton current charge out and disbursement rates

Hourly charge out rates		Current rates
		£
Partner		460 to 655
Directors / Associate Directors		360 to 575
Manager / Assistant Manager		165 to 325
Administrators		100 to 225
Support staff		85 to 135

Category 2 disbursement rates	
Internal room hire	£100 per hour
Subsistence	£25 per night
Travel (car)	42.5p per mile
'Tracker' searches	£10 per case



**Appendix F**

**Statement of expenses incurred by the Joint Liquidators in the period from 19 September 2019 to 25 March 2020**

	£		
	Incurred to date	Paid to date	Unpaid
<b>EXPENSES (EXCLUDING CATEGORY 2 DISBURSEMENTS)</b>			
None			
<b>CATEGORY 2 DISBURSEMENTS</b>			
Storage costs	5	NIL	5
<b>Sub Total</b>	<b>5</b>	<b>NIL</b>	<b>5</b>
<b>Total</b>	<b>5</b>	<b>NIL</b>	<b>5</b>

# SIP9 Time Report - Level 2

Beta Commodities Limited

1057166-701 Post Appt Compulsory

For the period 19/09/2019 to 25/03/2020

Period	Hours Spent	Partners	Directors / Associate Directors	Managers	Assistant Managers	Administrators	Assistants & Support Staff	Total Hours	Total Time Costs	Average Rates
From Jan 2003										
<b>Administration and Planning</b>										
Case Management		0.0	0.1	0.0	0.4	0.7	0.0	1.2	£ 243.00	202.50
Closure	0.0	0.0	0.0	0.0	0.0	0.5	0.0	0.5	£ 67.50	135.00
Receipts and Payments	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.1	£ 22.50	225.00
Tax Matters	0.0	0.0	0.0	0.0	0.0	0.2	0.0	0.2	£ 53.00	265.00
Total	0.0	0.0	0.1	0.0	0.4	1.5	0.0	2.0	£ 386.00	193.00
<b>Investigations</b>										
Investigations/CDDA	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.1	£ 41.50	415.00
Total	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.1	£ 41.50	415.00
<b>Creditors</b>										
Other Creditor Meetings and Reports	0.6	0.4	0.4	0.0	0.0	2.6	0.0	3.6	£ 793.00	220.28
Total	0.6	0.4	0.4	0.0	0.0	2.6	0.0	3.6	£ 793.00	220.28
Total Hours (From Jan 2003)	0.6	0.6	0.6	0.0	0.4	4.1	0.0	5.7	£ 1,220.50	214.12
Total Time Cost (From Jan 2003)	£ 276.00	£ 265.00	£ 265.00	£ 0.00	£ 106.00	£ 673.50	£ 0.00	£ 1,220.50		
<b>Total Hours</b>										
Total Time Cost	£ 276.00	£ 265.00	£ 265.00	£ 0.00	£ 106.00	£ 573.50	£ 0.00	£ 1,220.50		
Average Rates	460.00	441.67	441.67	0.00	265.00	139.88	0.00	214.12		

**BETA001      Beta Commodities Limited**

**SIP 9 - Time & Cost Summary**

Period: 19/08/19..25/03/20

Time Summary

Hours						Time Cost (£)	Average hourly rate (£)
Classification of work function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours		
Administration & planning	0.00	0.10	0.00	1.60	1.70	446.00	262.35
Investigations	0.00	0.00	0.00	0.40	0.40	104.00	260.00
Realisations of assets	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Case specific matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>0.00</b>	<b>0.10</b>	<b>0.00</b>	<b>2.00</b>	<b>2.10</b>	<b>550.00</b>	<b>261.90</b>
<b>Total Fees Claimed</b>						<b>0.00</b>	

## **Appendix H**

**In the High Court of Justice No 8743 of 2013**

**Beta Commodities Limited In Liquidation**

**Company No: 07798987**

**Nigel Fox And Nedim Ailyan appointed as Joint Liquidators to the above company on 19 September 2014**

**Notice delivered to the creditors on: 25 March 2020**

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**Notice that company's affairs are fully wound up**

**Rule 7.71 Insolvency (England and Wales) Rules 2016**

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**Notice is hereby given** to the creditors of the above named company of the following matters:

- a) The company's affairs are fully wound up.
- b) Creditors have the right under rule 18.9 Insolvency (England and Wales) Rules 2016 to make a written request to the office-holder for further information about remuneration or expenses set out in the final account.
- c) If you wish to make a request for further information then it must be made in writing within 21 days of receipt of this report by either by (i) any secured creditor or (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors or with the permission of the court.  
  
Creditors have the right to challenge the Liquidators' remuneration and expenses under rule 18.34 Insolvency (England and Wales) Rules 2016. Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or the permission of the court, may apply to court on the grounds that the remuneration charged or expenses incurred by the Joint Liquidators are in all the circumstances excessive, or that the basis fixed for the office holder's remuneration is inappropriate.  
  
Any such challenge must be made no later than eight weeks after receipt of the progress report or final account which first discloses the charging of remuneration or incurring of the expenses in question.
- d) Creditors may object to the release of the Liquidators by giving notice in writing to the Joint Liquidators before the end of the later of:
  - (i) eight weeks after delivery of this notice, or
  - (ii) the final determination of any request for information under rule 18.9, or any application to the court under rule 18.34.
- e) The Joint Liquidators will vacate office under section 172(8) Insolvency Act 1986 (as amended) as soon as the Joint Liquidators have complied with section 146(4) of that Act by filing with the court and delivering to the registrar of companies the final account and statement required by section 146(4)(b) of whether any creditors have objected to the Joint Liquidators' release.
- f) The Joint Liquidators will be released under section 174(4)(d)(ii) at the same time as vacating office unless any of the creditors objected to the release.

### **Name, address & contact details of Joint Liquidators**

#### **Primary Office Holder**

Nigel Fox

RSM Restructuring Advisory LLP

Highfield Court, Tollgate, Chandlers Ford,

Eastleigh SO53 3TY

Tel: 023 8064 6437

Email: lisa.duell@rsmuk.com

IP Number: 8891

#### **Joint Office Holder:**

Nedim Ailyan

Abbott Fielding Limited

142-148 Main Road, Sidcup, Kent DA14 6NZ

IP Number: 9072