

# AM10

## Notice of administrator's progress report



Companies House

TUESDAY



A23 \*A7HMNV4W\* 30/10/2018 #53  
COMPANIES HOUSE

### 1 Company details

Company number 0 9 6 6 8 9 7 5

Company name in full Ditecsa UK Limited

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

### 2 Administrator's name

Full forename(s) Peter

Surname O'Hara

### 3 Administrator's address

Building name/number Wesley House

Street Huddersfield Road

Post town Birstall, Batley

County/Region West Yorkshire

Postcode W F 1 7 9 E J

Country

### 4 Administrator's name <sup>①</sup>

Full forename(s)

Surname

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

### 5 Administrator's address <sup>②</sup>

Building name/number

Street

Post town

County/Region

Postcode

Country

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

# AM10

## Notice of administrator's progress report

### 6 Period of progress report

From date	<sup>d</sup> 3	<sup>d</sup> 1	<sup>m</sup> 0	<sup>m</sup> 3	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8
To date	<sup>d</sup> 3	<sup>d</sup> 0	<sup>m</sup> 0	<sup>m</sup> 9	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8

### 7 Progress report

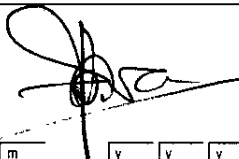
☒ I attach a copy of the progress report

### 8 Sign and date

Administrator's  
signature

Signature

X



X

Signature date

<sup>d</sup> 2	<sup>d</sup> 6	<sup>m</sup> 1	<sup>m</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8
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# AM10

## Notice of administrator's progress report



### Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name	Mike Sharp
Company name	O'Hara & Co
Address	Wesley House
	Huddersfield Road
Post town	Birstall, Batley
County/Region	West Yorkshire
Postcode	W F 1 7 9 E J
Country	
DX	
Telephone	01924 477449



### 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)

**Ditecsa UK Limited  
(In Administration)  
Administrator's Trading Account**

<b>Statement of Affairs £</b>	<b>From 31/03/2017 To 30/09/2018 £</b>	<b>From 31/03/2017 To 30/09/2018 £</b>
<b>PURCHASES</b>		
Purchases (1)	521.55	521.55
	<u>(521.55)</u>	<u>(521.55)</u>
<b>OTHER DIRECT COSTS</b>		
Direct Labour	16,425.07	16,425.07
Employees Expenses	6,427.14	6,427.14
	<u>(22,852.21)</u>	<u>(22,852.21)</u>
<b>TRADING EXPENDITURE</b>		
Rents	4,000.00	4,000.00
Telephone	1,404.88	1,404.88
PAYE/NIC	4,746.60	4,746.60
Payroll Expenses	200.00	200.00
	<u>(10,351.48)</u>	<u>(10,351.48)</u>
<b>TRADING SURPLUS/(DEFICIT)</b>	<b><u>(33,725.24)</u></b>	<b><u>(33,725.24)</u></b>

**Ditecsa UK Limited**  
**(In Administration)**  
**Administrator's Summary of Receipts & Payments**

Statement of Affairs £		From 31/03/2017 To 30/09/2018 £	From 31/03/2017 To 30/09/2018 £
	<b>ASSET REALISATIONS</b>		
	Plant & Machinery	3,182.00	3,182.00
Uncertain	Work in Progress (Manchester)	371,409.99	371,409.99
1,174,264.00	Work-In-Progress (Worksop)	NIL	NIL
Uncertain	Book Debts (Manchester)	NIL	NIL
1,730,798.00	Book Debts (Worksop)	NIL	NIL
	Rent Deposits	5,177.00	5,177.00
	Yorkshire Water Refund	20.21	20.21
212,128.00	Cash at Bank (Euro Account)	NIL	NIL
433,778.00	Cash at Bank (Sterling Account)	622,545.35	622,545.35
	Cash in Hand of Solicitors	4,553.86	4,553.86
	Petty cash realisation	46.06	46.06
	Bank Interest Gross	533.46	533.46
	Trading Surplus/(Deficit)	(33,725.24)	(33,725.24)
	Contribution to Costs	20,000.00	20,000.00
	Linde Contract	NIL	NIL
		<u>993,742.69</u>	<u>993,742.69</u>
	<b>COST OF REALISATIONS</b>		
	O.R. Remuneration	NIL	NIL
	Petitioners Deposit	1,550.00	1,550.00
	Specific Bond	(1,520.00)	(1,520.00)
	Pre-Appointment Time Costs	(14,190.00)	(14,190.00)
	Quantity Surveyors Fees	(186,703.54)	(186,703.54)
	Agents Fees (Chattel Assets)	(2,322.70)	(2,322.70)
	Legal Fees	(29,665.60)	(29,665.60)
	Counsels Fees	(1,500.00)	(1,500.00)
	Petitioners Legal Fees	(5,290.00)	(5,290.00)
	Additional Works in Manchester (Spain)	NIL	NIL
	Statutory Advertising	(143.00)	(143.00)
	Rents Payable	(5,500.00)	(5,500.00)
	Insurance of Assets	(222.00)	(222.00)
	Wages & Salaries	NIL	NIL
	Carriage Charges	(125.00)	(125.00)
		<u>(245,631.84)</u>	<u>(245,631.84)</u>
	<b>PREFERENTIAL CREDITORS</b>		
(3,000.00)	Employee Arrears/Hol Pay	<u>NIL</u>	<u>NIL</u>
		NIL	NIL
	<b>UNSECURED CREDITORS</b>		
(3,741,249.00)	Trade & Expense Creditors	NIL	NIL
(1,500.00)	Employees	NIL	NIL
(822,526.00)	Inter-Company	NIL	NIL
(2,291.00)	HM Revenue & Customs (PAYE / NIC)	NIL	NIL
(85,590.00)	HM Revenue & Customs (VAT)	NIL	NIL
(538.00)	HM Revenue & Customs (CIS)	<u>NIL</u>	<u>NIL</u>
		NIL	NIL
	<b>DISTRIBUTIONS</b>		
(10,000.00)	Ordinary shareholders	<u>NIL</u>	<u>NIL</u>
		NIL	NIL

(1,115,726.00)

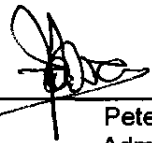
REPRESENTED BY  
Vat Receivable  
Bank 1 Current

748,110.85

748,110.85

15,314.39  
732,796.46

748,110.85



Peter O'Hara  
Administrator

Our Ref: POH/MJS  
Your Ref:

26 October 2018

**To the Creditors**



Wesley House  
Huddersfield Road  
Birstall  
Batley  
WF17 9EJ

Tel: 01924 477449  
Fax: 01924 475262



Dear Sirs

**DITECSA UK LIMITED IN ADMINISTRATION**

Pursuant to Rule 18.6 of the Insolvency (England & Wales) Rules 2016, I write to provide you with a progress report on the above matter. Enclosed for your attention is a copy of my up to date receipts and payments account and a time costs summary in Statement of Insolvency Practice 9 format. This report should be read in conjunction with my report and proposals for achieving the purpose of the administration of the above company sent to creditors on the 26<sup>th</sup> May 2017 and the previous progress report dated 18<sup>th</sup> April 2018.

**1. Details of Appointment**

Name of Company: Ditecsa UK Limited  
Company number: 09668975  
Court reference: High Court of Justice, Chancery Division,  
Leeds District Registry, no 330 of 2017  
Registered office: Wesley House  
Huddersfield Road  
Birstall  
Batley  
WF17 9EJ  
Administrator: Peter O'Hara  
Date of appointment: 31<sup>st</sup> March 2017  
Authorising Body: Insolvency Practitioners Association  
IP number 6371

By order of the High Court of Justice dated 21<sup>st</sup> February 2018 the administration was extended until the 31<sup>st</sup> March 2019. The reason for the extension was to enable me to continue to pursue the substantial claim in the adjudication against Siro (UK) Limited (now Cerealto (UK) Limited)

## 2. **Asset Realisations**

### ***A Chattel Assets and Stock***

All chattel assets have been realised as set out in my first report to creditors. I have not been made aware of any additional chattel assets and do not expect to make any further recoveries of this nature.

### ***B Rent Deposits***

I have recovered a further rent deposit of £70 since my last report

### ***C Interest***

Additional bank interest of £102.76 has been received on monies held by me in the administration since the last report

### ***D LINDE Contract – Manchester***

The final retention of £58,354 has been released by Linde in accordance with the terms of the contract and is included in the attached figures. No deductions were made nor any claims for rectification for defects. The total realised in the administration under this contract is £429,764.

Without the assistance of Ditecsa SA, this contract could not have been completed and the Company would have faced contractual claims from Linde. The costs incurred by Ditecsa SA in completing the works have now been received and are being verified. The costs of completing the contract from the 31<sup>st</sup> March 2017 to its completion are an expense of the administration. I am seeking to agree final figures (estimated at 28,000 euros) which will be paid once the figure has been agreed.

### ***E SIRO (CEREALTO) Contract – Worksop***

The main purpose of the administration is to enable the Company to pursue an adjudication in respect of a contract undertaken by the Company at a site in Worksop with SIRO UK Limited (now rebranded CERALTO UK Limited).

As previously indicated, I have appointed Cooper & Hall to quantify the Company's claim and prepare the supporting evidence and documentation for the purposes of the adjudication and Hawkswell Kilvington as solicitors to pursue the adjudication on behalf of the Company

The claim is extensive and complex and has resulted in a number of progress and strategic planning meetings being necessary between myself and the professionals concerned. It was decided that before the matter progressed to formal adjudication, the claim should be discussed quantity surveyor to quantity surveyor with a view to narrowing down the issues in dispute to be determined at the adjudication.

So that creditors can understand the enormity of the task, my quantity surveyors have established that there were over 400 variations to the original contract which are having a significant impact on the level of the claim over and above the original contract price.

I can confirm that since my last report, significant progress has been made between the quantity surveyors to reduce the issues in dispute. The frequency of the meetings was increased to a fortnightly arrangement to speed up the process. Because of the positive way in which the quantity surveyors' meetings were progressing, the adjudication was adjourned in May to give them sufficient time to conclude their investigations, discussions and conclusions.



The general impression from those meetings and discussions is that there is a good chance of a substantial award being made in favour of the Company. As previously stated, I have held regular meetings with my professional advisers at which I have consistently considered whether it is worth the expense involved to pursue the investigations and the adjudication. The advice I have received throughout is that the claim is worth pursuing and if successful will be of significant benefit to creditors generally.

My quantity surveyors have uncovered evidence which indicates that whilst the Company was removed from site in February 2017, CEREALTO UK Limited's representatives had authorised extensions of time to complete the ever evolving works well beyond that date. My advisers are confident that CEREALTO UK Limited was not entitled to terminate the contract by refusing access to site. This means that CEREALTO UK Limited were the defaulting party not SIRO UK Limited and as a consequence the company's claim is strengthened.

The one issue which is crucial to the overall position is the level of any defects claims which CEREALTO UK Limited may seek to set off against the claim. This information is currently awaited and will hopefully be available by November 2018. The Linde contract has demonstrated that the Company undertook works to a high standard and any claims to set off will need to be carefully scrutinised and will be disputed if found to be inflated. I anticipate that it will take a significant part of November to analyse this. The adjudication has been adjourned until the 30<sup>th</sup> November to enable these investigations to be concluded.

The formulation of the claim has also involved various members of staff of Ditecsa SA who were involved in the contract. An additional expense of the administration will be the cost of co-opting the involvement of Ditecsa SA and its staff. Various meetings, conference calls and visits from the staff of Ditecsa SA's staff in Spain and elsewhere in Europe have been necessary to understand the mechanics of the contract and legal obligations and requirements of both parties to the building works and the instructions given to the company by CEREALTO by those involved at the time.

Creditors have raised the issue of the acceptance of their claims in the administration. As part of the exercise of dealing with the adjudication, my quantity surveyors have been instructed to ensure that the claims submitted are correct. Until CEREALTO disclose details of sums paid to subcontractors and to Tolent (as the replacement main contractor), the final assessment of the creditors' claims cannot be determined. Progress has been made and the majority of the smaller claims have now been accepted.

## **Creditors**

### ***Secured***

There are no secured creditors

### ***Preferential***

Whilst the director's estimated statement of affairs anticipated arrears of pay/holiday pay to be approximately £3,000, no claim has yet been received. This may be due to the fact that the Company had only one employee as at the date of the administration and she was retained by the Company up to her death in October. Consequently it is anticipated that there will be no claim by this class of creditor.

## **Unsecured**

The director's statement of affairs anticipated claims in the region of £4,653,156. To date I have received claims totalling £3,389,035. The following issues remain outstanding:

1 As previously indicated the remaining claims are being verified by the quantity surveyors.

2 The above figures do not include the claim from Ditecsa SA. Ditecsa SA have informed me that SIRO had obtained a performance bond from Banco Santander which SIRO have enforced, Banco Santander has made payment as required by Spanish law and Ditecsa SA has been required to reimburse the bank under its guarantee. The amount guaranteed was £550,000. I have been advised that this will form part of the claim in the adjudication. Any amount specifically awarded for this item will be payable by me to Ditecsa SA in full. Ditecsa SA's claim both at unsecured and administration expense level is still being resolved.

### **3. Administrators' Remuneration**

My post appointment time costs are reflected in the attached Statement of Insolvency Practice 9 time costs summary and total £146,780. I have not drawn any fees on account against these costs to date.

As can be seen, my costs which have accrued since the 31<sup>st</sup> March 2018 are in the sum of £31,650

The original assessment of £125,244, has now been exceeded. I must therefore request authorisation from the creditors both to increase that figure, and to incur additional costs to bring this matter to a conclusion.

At this point in time, I am not seeking to draw any fees. To date I have not taken any fees except the pre administration costs previously agreed.

I anticipate that there will be additional administrator's costs of £35,000 required to bring the adjudication to a conclusion. That figure is almost entirely comprised of costs incurred in pursuing the adjudication. There will be some minor compliance costs. It is also based on the premise that the administration will be concluded before the 31<sup>st</sup> March 2019 and will not require any further extensions. It is also based on the premise that the adjudication has to proceed to a hearing. If the dispute can be settled beforehand, the costs will be reduced accordingly.

Creditors should be aware that the advice I have received is that if the adjudication is pursued and successful, creditors should be paid in full. There may be a surplus to the shareholder. If the adjudication were to be discontinued, creditors would receive less than 20p in the £

As a resolution from the creditors is required for me to incur these additional costs, I am proposing to deal with the resolution by way of correspondence only. Attached is a proxy for creditors to consider and return. Please note that the final date for submission of the proxy is 30<sup>th</sup> November 2018

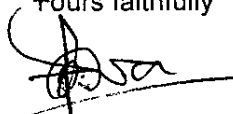
My quantity surveyors have almost concluded their involvement in this matter. I anticipate that their additional costs should not exceed £25,000.

My lawyers will from now on be the main driving force in this adjudication. I have received costs estimates as high as £60,000 in the event that the adjudication is contested and has to be pursued to a final determination.

4. **Conclusion**

I trust the above is self-explanatory although should you require any further information, please do not hesitate to contact me. In the meantime, I can confirm that the Administration Order will automatically end on 30<sup>th</sup> March 2019. I anticipate that the adjudication should be concluded before that date and only if enforcement of the award is outstanding do I anticipate having to seek a further extension of the order.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. O'Hara', written over a horizontal line.

Peter O'Hara  
Administrator

**Ditecsa UK Limited**  
**(In Administration)**

**Summary of Receipts & Payments**

<b>RECEIPTS</b>	<b>Statement of Affairs (£)</b>	<b>From 31/03/2017 To 31/03/2018 (£)</b>	<b>From 01/04/2018 To 03/10/2018 (£)</b>	<b>Total (£)</b>
Plant & Machinery		3,182.00	0.00	3,182.00
Work in Progress (Manchester)	Uncertain	371,409.99	58,354.71	429,764.70
Rent Deposits		5,107.00	70.00	5,177.00
Yorkshire Water Refund		20.21	0.00	20.21
Cash at Bank (Sterling Account)	433,778.00	622,545.35	0.00	622,545.35
Cash in Hand of Solicitors		4,553.86	0.00	4,553.86
Petty cash realisation		46.06	0.00	46.06
Bank Interest Gross		330.59	202.87	533.46
Contribution to Costs		20,000.00	0.00	20,000.00
Petitioners Deposit		1,550.00	0.00	1,550.00
		<b>1,028,745.06</b>	<b>58,627.58</b>	<b>1,087,372.64</b>

**PAYMENTS**

Purchases (1)		521.55	0.00	521.55
Direct Labour		16,425.07	0.00	16,425.07
Employees Expenses		6,427.14	0.00	6,427.14
Rents		4,000.00	0.00	4,000.00
Telephone		1,404.88	0.00	1,404.88
PAYE/NIC		4,746.60	0.00	4,746.60
Payroll Expenses		200.00	0.00	200.00
Specific Bond		1,520.00	0.00	1,520.00
Pre-Appointment Time Costs		14,190.00	0.00	14,190.00
Quantity Surveyors Fees		101,353.63	85,349.91	186,703.54
Agents Fees (Chattel Assets)		2,322.70	0.00	2,322.70
Legal Fees		15,398.10	14,267.50	29,665.60
Counsels Fees		1,500.00	0.00	1,500.00
Petitioners Legal Fees		5,290.00	0.00	5,290.00
Statutory Advertising		143.00	0.00	143.00
Rents Payable		5,500.00	0.00	5,500.00
Insurance of Assets		222.00	0.00	222.00
Carriage Charges		0.00	125.00	125.00
		<b>181,164.67</b>	<b>99,742.41</b>	<b>280,907.08</b>

<b>Net Receipts/(Payments)</b>	<b>847,580.39</b>	<b>(41,114.83)</b>	<b>806,465.56</b>
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**MADE UP AS FOLLOWS**

<b>Vat Receivable</b>	<b>20,240.58</b>	<b>(4,926.19)</b>	<b>15,314.39</b>
<b>Bank 1 Current</b>	<b>827,976.21</b>	<b>(36,825.04)</b>	<b>791,151.17</b>
	<b>848,216.79</b>	<b>(41,751.23)</b>	<b>806,465.56</b>

# Time Entry - SIP9 Time & Cost Summary

D396 - Ditecsa UK Limited  
All Post Appointment Project Codes  
From: 01/04/2018 To 30/09/2018

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & Planning	38.30	0.00	25.70	6.50	70.50	23,385.00	331.70
Case Specific Matters	0.00	0.00	0.80	0.00	0.80	240.00	300.00
Creditors	0.00	0.00	10.00	0.00	10.00	3,000.00	300.00
Investigations	0.10	0.00	12.40	0.00	12.50	3,757.50	300.60
Realisation of Assets	2.90	0.00	0.60	0.00	3.50	1,267.50	362.14
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>41.30</b>	<b>0.00</b>	<b>49.50</b>	<b>6.50</b>	<b>97.30</b>	<b>31,650.00</b>	<b>325.28</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

D396 - Ditecsa UK Limited  
All Post Appointment Project Codes  
From: 31/03/2017 To: 30/09/2018

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & Planning	165.20	0.00	69.00	45.60	279.80	83,592.50	298.76
Case Specific Matters	0.00	0.00	8.10	0.00	8.10	2,210.00	272.84
Creditors	39.10	0.00	45.30	7.20	91.60	24,757.50	270.28
Investigations	9.10	0.00	37.50	0.00	46.60	13,525.00	290.24
Realisation of Assets	41.90	0.00	18.30	0.00	60.20	17,587.50	292.15
Trading	4.40	0.00	13.90	0.00	18.30	5,107.50	279.10
<b>Total Hours</b>	<b>259.70</b>	<b>0.00</b>	<b>192.10</b>	<b>52.80</b>	<b>504.60</b>	<b>146,780.00</b>	<b>290.88</b>
<b>Total Fees Claimed</b>						<b>0.00</b>	
<b>Total Disbursements Claimed</b>						<b>0.00</b>	

NOTICE TO CREDITORS OF DECISION PROCEDURE BY CORRESPONDENCE ONLY

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The following resolutions are today submitted to creditors in accordance with the attached report with a view to a decision being made on the 30<sup>th</sup> November 2018 (the **Decision Date**).

Decisions being proposed are set out in paragraph 3 of the administrators report attached.

This notice is sent by PETER O'HARA of O'Hara & Co Wesley House Huddersfield Road Birstall Batley WF17 9EJ (tel 01924 477449) who was appointed as Administrator of the Company on the 31<sup>st</sup> March 2017.

**Voting** – In accordance with the Insolvency (England & Wales) Rules 2016 all proxy forms together with a proof of debt if one has not already been submitted must be completed and returned by one of the methods set out below:

By post to: O'Hara & Co Wesley House Huddersfield Road Birstall Batley WF17 9EJ  
By email to: [peter.ohara@ohara.co.uk](mailto:peter.ohara@ohara.co.uk)

Please note that if you are sending forms by post, you must ensure that you have allowed sufficient time for the forms to be delivered to the address above by the time set out below. Unless shown to the contrary, email is treated as delivered at 9am on the next business day after it was sent.

All proofs of debt must be delivered by **4pm** on the business day prior to the Decision Date failing which the vote by the creditors will be disregarded.

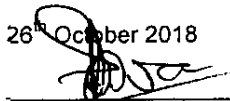
A Creditor whose debt is treated as a small debt in accordance with Rule 14.31(1) must still deliver a proof if that creditor wishes to vote.

Creditors are referred to the following appendices attached to this report:

- Appendix I* Creditors' rights to request a physical meeting
- Appendix II* Extract from the Insolvency (England & Wales) Rules 2016 relating to Creditor's rights to request further information
- Appendix III* Extract from the Insolvency (England & Wales) Rules 2016 relating to Office Holders' Remuneration
- Appendix IV* Proof of Debt and Proxy forms

Date 26<sup>th</sup> October 2018

Signed

  
Peter O'Hara  
Administrator

**CREDITORS' RIGHTS TO REQUEST A PHYSICAL MEETING IN ACCORDANCE WITH  
SECTION 246ZE OF THE INSOLVENCY ACT 1986.**

Creditors who meet the thresholds in Section 246ZE(7) of the Insolvency Act 1986 may within five business days from the date of delivery of this notice require a physical meeting to be held to consider the matter.

For the purposes of the above the minimum number of creditors or contributories is any of the following:

- 10% in value of the creditors or contributories
- 10% in number of the creditors or contributories
- 10 creditors or contributories

Notice of such a request should be sent to the administrator Peter O'Hara at O'Hara & Co Wesley House Huddersfield Road Birstall Batley WF17 9EJ or to [peter.ohara@ohara.co.uk](mailto:peter.ohara@ohara.co.uk) with clear signed evidence of all supporters attached.



**AN EXTRACT FROM THE INSOLVENCY (ENGLAND AND WALES) RULES 2016 RELATING TO CREDITORS' RIGHTS TO REQUEST ADDITIONAL INFORMATION FROM THE LIQUIDATOR.**

1. The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14:
  - a) A secured creditor;
  - b) An unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question),
  - c) Members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;
  - d) Any unsecured creditor with the permission of the court, or
  - e) Any member of the company in a members' voluntary winding up with the permission of the court.
2. A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.
3. The office-holder must, within 14 days of receipt of such a request, respond to the person or persons who requested the information by:
  - a) Providing all the information requested;
  - b) Providing some of the information requested; or
  - c) Declining to provide the information requested
4. The office-holder may respond by providing only some of the information requested or decline to provide the information if:
  - a) The time or cost of preparation of the information would be excessive; or
  - b) Disclosure of the information would be prejudicial to the conduct of the proceedings;
  - c) Disclosure of the information might reasonably be expected to lead to violence against any person; or
  - d) The office-holder is subject to an obligation of confidentiality in relation to the information.
5. An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing
6. A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of:
  - a) The office-holder giving reasons for not providing all of the information requested; or
  - b) The expiry of the 14 days within which an office-holder must respond to a request.
7. The court may make such order as it thinks just on an application under paragraph (6).

**AN EXTRACT FROM THE INSOLVENCY (ENGLAND AND WALES) RULES 2016 RELATING  
TO OFFICE HOLDERS' REMUNERATION**

***Rule 18.34***

1. This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that:
  - a) The remuneration charged by the office-holder is in all the circumstances excessive;
  - b) The basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
  - c) The expenses incurred by the office-holder are in all the circumstances excessive
2. The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable:
  - a) A secured creditor,
  - b) An unsecured creditor with either
    - i. The concurrence of at least 10% in value of the unsecured creditors (including that creditor); or
    - ii. The permission of the court; or
  - c) In a members' voluntary winding up:
    - i. Members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or
    - ii. A member of the company with the permission of the court.
3. The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

***Rule 18.36***

1. This rule applies to applications made with permission under rule 18.34.
2. Where the court has given permission, it must fix a venue for the application to be heard
3. The applicant must, at least 14 days before the hearing, deliver to the office-holder a notice stating the venue and accompanied by a copy of the application and of any evidence on which the applicant intends to rely.
4. If the court considers the application to be well-founded, it must make one or more of the following orders:
  - a) An order reducing the amount of remuneration which the office-holder is entitled to charge;
  - b) An order reducing any fixed rate or amount;
  - c) An order changing the basis of remuneration;
  - d) An order that some or all of the remuneration or expenses in question is not to be treated as expenses of the administration, winding up or bankruptcy;
  - e) An order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by:
    - i. The administrator or liquidator of the administrator's or liquidator's personal representative to the company; or
    - ii. The trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;
  - f) Any other order that it thinks just.

Please give full name and  
address for communication

Name of Creditor \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Voting instructions for resolutions

Any other resolutions which the  
proxy-holder is to propose or  
vote in favour of or against  
should be set out in numbered  
paragraphs in the space  
provided below paragraph 1. If  
more room is required please use  
the other side of this form.

Resolutions

- |     |   |              |
|-----|---|--------------|
| i.  | That the Administrator be authorised to draw £146,780 remuneration for the period from 31 March 2014 to 30 September 2018                             | Agree/Reject |
| ii. | That the Administrator be authorised to incur additional fees up to a maximum of £35,000 from 1 October 2018 to the termination of the Administration | Agree/Reject |

This form must be signed

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name in CAPITAL LETTERS \_\_\_\_\_

Only to be completed if the  
creditor has not signed in  
person

Position with creditor or relationship to creditor or other authority for signature

\_\_\_\_\_