

In accordance with Rule 6.28 of the Insolvency (England & Wales) Rules 2016 and Section 106(3) of the Insolvency Act 1986.

LIQ14

Notice of final account prior to dissolution in CVL



Companies House

For further information, please refer to our guidance at www.gov.uk/companieshouse

1 Company details

Company number 1 1 5 2 2 0 8 4

Company name in full Mylkplus Limited

→ Filling in this form

Please complete in typescript or in bold black capitals.

2 Liquidator's name

Full forename (s) Ian

Surname McCulloch

3 Liquidator's address

Building name/number Mount Suite, Rational House

Street 32 Winckley Square

Post town Preston

County/Region Lancashire

Postcode P R 1 3 J J

Country

4 Liquidator's name ①

Full forename(s) Trevor

Surname Binyon

① Other Liquidator

Use this section to tell us about another liquidator.

5 Liquidator's address ②

Building name/number 322 High Holborn

Street

Post town London

County/Region

Post code W C 1 V 7 P B

Country

② Other Liquidator

Use this section to tell us about another liquidator.

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6**Liquidator's release**☐

Tick if one of more creditors objected to liquidator's release.

:

7**Final account**☒

I attach a copy of the final account

8**Sign and date**

Liquidator's signature

Signature

×



×

Signature date

2

7

0

1

2

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2

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Presenter Information										! Important 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.										All information on this form will appear on the public record.		
Contact name	Ian McCulloch									📄 Where to send		
Company name	Opus Restructuring LLP									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.		
Address	Mount Suite, Rational House											
32 Winckley Square												
Post Town	Preston											
County/Region	Lancashire											
Post Code		P	R	1		3	J	J		i Further Information		
Country										For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk		
DX												
Telephone	01772 669860											
✓ Checklist											This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse	
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.												

MYLKPLUS LIMITED – IN CREDITORS VOLUNTARY LIQUIDATION (“THE COMPANY”)

JOINT LIQUIDATORS’ FINAL ACCOUNT

02 MARCH 2022 TO 30 NOVEMBER 2022

Opus Restructuring LLP
Mount Suite
Rational House
32 Winckley Square
Preston
Lancashire
PR1 3JJ

This report has been prepared for the sole purpose of updating the creditors for information purposes. The report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by the creditors for any purpose other than updating them for information purposes, or by any other person for any purpose whatsoever.

Ian McCulloch and Trevor John Binyon were appointed Joint Liquidators of Mylkplus Limited on 2 March 2022. The affairs, business and property of the Company are managed by the Joint Liquidators. The Joint Liquidators act without personal liability.

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- Realisation of Assets
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- Ethics
- Fees and Expenses
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- Conclusion

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- Appendix V - Time costs summary for the Review Period & comparison with estimate
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ADMINISTRATION AND PLANNING

Statutory information

Statutory information may be found at Appendix I.

The Joint Liquidators are required to meet a considerable number of statutory and regulatory obligations. Whilst many of these tasks do not have a direct benefit in enhancing realisations for the insolvent estate, they assist in the efficient and compliant progressing of the administration of the case, which ensures that work is carried out to high professional standards. A detailed list of these tasks may be found in Appendix III.

The Joint Liquidators have met their statutory and regulatory duties to report to creditors, as listed below. In consideration of the need for transparency and engagement with creditors, care has been taken to ensure that reports and other communications with creditors have provided useful details of the strategies pursued and the outcomes anticipated.

During the Review Period, the following key documents have been issued:

- S100 Report to creditors;
- This Final Report.

Other administration tasks

During the Review Period, the following material tasks in this category were carried out:

- Case reviews etc.
- Periodic file reviews including the updating of checklists;
- Filing of documents at Companies House;
- Maintenance of the estate cash book and bank account;
- Receive and follow up of creditor enquiries by telephone and post;
- Receiving and filing of proof of debts and supporting documentation.

ENQUIRIES AND INVESTIGATIONS

Shortly after appointment, the Liquidator undertook a review of all the information available and conducted an initial assessment of whether there were any matters which may have led to any recoveries for the benefit of creditors.

No further assets or actions that might lead to a recovery for creditors were identified.

Although this work did not generate any financial benefit to creditors, it was necessary to meet the statutory duties as well as conduct appropriate enquiries and investigations into potential rights of actions to enhance realisations.

REALISATION OF ASSETS

Detailed below is key information about asset realisation and strategy, however, more details about the work undertaken may be found at Appendix III. The Joint Liquidators formulated and worked through a realisation strategy that sought to maximise realisations net of costs. The financial benefit of those efforts is described further below.

FINAL ACCOUNT OF MYLKPLUS LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

Tax Refund

The Joint Liquidators received £57 from HMRC in respect of a tax refund.

Cash at Bank

The Joint Liquidators received £0.44 cash at bank from the Company bankers in respect of the remaining credit balance upon the closure of the account.

CREDITORS

Irrespective of whether sufficient realisations are achieved to pay a dividend to creditors, the Joint Liquidators have had to carry out key tasks which are detailed in the list at Appendix III. The following sections explain the outcomes to creditors and any distributions paid.

Secured creditors

The Company had granted the following security: -

Type of charge	Date created	Beneficiary
Fixed & Floating	15 August 2019	Millmadd

The debt due to Millmadd at the date of appointment totalling £5,500 excluding charges and accruing interest. Asset realisations have proven to be insufficient to repay the Charge holder.

Preferential creditors

There are no preferential or employee claims in this matter.

Secondary Preferential creditors

In any insolvency process started from 1 December 2020, HMRC is a secondary preferential creditor for the following liabilities:

- VAT
- PAYE Income Tax
- Employees' NIC
- CIS deductions
- student loan deductions

This will mean that, if there are sufficient funds available, any of the above amounts owed by the Company will be paid after the preferential creditors have been paid in full. On present information, there are no monies owed to HMRC and therefore there are no secondary preferential creditors in this matter.

Unsecured creditors & Dividend

The trade and expense creditors as per the statement of affairs totalled £49,802. Unsecured creditors' claims have been received in the sum of £49,802. There were insufficient funds to make a distribution to unsecured creditors and consequently no dividend will be paid this matter.

FINAL ACCOUNT OF MYLKPLUS LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

Where a floating charge is created after 15 September 2003 a prescribed part of the company's net property shall be made available to unsecured creditors.

The Company has not granted a floating charge to any creditor after 15 September 2003 and consequently there was no prescribed part in this Liquidation.

ETHICS

Please also be advised that Joint Liquidator is bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment.

General ethical considerations

Prior to the Joint Liquidator's appointment, a review of ethical issues was undertaken and no ethical threats were identified. A further review has been carried out and no threats were identified in respect of the management of the insolvency appointment.

Specialist Advice and Services

When instructing third parties to provide specialist advice and services or having the specialist services provided by the firm, the Joint Liquidator is obligated to ensure that such advice or work is warranted and that the advice or work contracted reflects the best value and service for the work undertaken. The firm reviews annually the specialists available to provide services within each specialist area and the cost of those services to ensure best value. The specialists chosen usually have knowledge specific to the insolvency industry and, where relevant, to matters specific to this insolvency appointment. No specialist advisors have been instructed in this matter.

FEES AND EXPENSES

Pre-Appointment Costs

A fixed fee of £5,000 was agreed and paid by the director prior to the winding-up resolution.

The Joint Liquidators' fees

It is the firm's practice to ensure that work is conducted by the appropriate staff member at the appropriate level of experience. Junior members of staff deal with the day to day administration on cases and a manager and partner then oversees the work undertaken. Where the issues are complex and litigious, the work will be closely supervised or undertaken by a senior manager or partner.

The basis of the Joint Liquidators' fees was approved by creditors on 2 March 2022 in accordance with the following resolution:

"That the basis of the Joint Liquidators' fees be fixed by reference to the time properly given by the Joint Liquidators and their staff in attending to matters as set out in the fees estimate, totalling £13,775 such time to be charged at the prevailing standard hourly charge out rates used by Opus Restructuring LLP at the time when the work is performed".

The time costs for the Review Period total £7,215, representing 33.40 hours at an average hourly rate of £216.02. The sum of £47.87 has been drawn on account of time costs incurred. The time

FINAL ACCOUNT OF MYLKPLUS LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

costs for the period are detailed at Appendix IV. A comparison between the original estimate and time costs to date is given at Appendix V.

Having regard for the costs that are likely to be incurred in bringing this Liquidation to a close, the Joint Liquidators consider that:

- the original fees estimate is unlikely to be exceeded; and
- the original expenses estimate is unlikely to be exceeded.

Expenses

The expenses, which include disbursements that have been incurred and paid during the period are detailed on Appendix VI. Also included in Appendix VI is a comparison of the expenses likely to be incurred in the Liquidation as a whole with the original expenses estimate.

The category 1 expenses incurred in the Review Period have been paid by Opus Restructuring LLP and are detailed at Appendix II and represent payments to parties not associated with the firm, who have provided services or good for the administration of the assignment.

The category 2 expenses incurred in the Review Period have been paid by Opus Restructuring LLP. The basis of calculation of this category of expense was disclosed to creditors to their approval, which was given on 2 March 2022, and are also detailed at Appendix IV.

The Joint Liquidators expenses were paid on account by the Director prior to the appointment. Therefore none of the expenses incurred have been paid from the estate during the period of the liquidation.

Information about this insolvency process may be found on the R3 website at <http://www.creditorinsolvencyguide.co.uk/>. A copy of 'A Creditors' Guide to Fees' together with the firm's charge-out rate and expenses policy may be found at www.opusllp.com. A hard copy of both the Creditors' Guide and the firm's charge-out rate and disbursement policy may be obtained on request.

CREDITORS' RIGHTS

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Joint Liquidators' remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Joint Liquidators' fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

EC REGULATIONS

COMI proceedings, establishment proceedings or proceedings to which the EU Regulation as it has effect in the law of the United Kingdom does not apply.

GENERAL DATA PROTECTION REGULATION ("GDPR")

GDPR requires that individuals whose data is being held be contacted and provided with information about their rights. A privacy notice is attached at Appendix IX.

CONCLUSION

There are no other matters outstanding and the affairs of the company have been fully wound up.

If you require any further information, please contact my colleague Natalie Crick on 0151 459 3406 or via email at Natalie.crick@opusllp.com.

A handwritten signature in black ink, appearing to read 'I McCulloch', positioned above a horizontal line.

Ian McCulloch
Joint Liquidator

FINAL ACCOUNT OF MYLKPLUS LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

Appendix I

Statutory Information

Company Name	Mylkplus Limited
Former Trading Name	None
Company Number	11522084
Registered Office	Mount Suite, Rational House, 32 Winckley Square, Preston, PR1 3JJ
Former Registered Office	Mentor House, Ainsworth Street, Blackburn, BB1 6AY
Officeholders	Ian McCulloch and Trevor John Binyon
Officeholders address	Opus Restructuring LLP, Mount Suite, Rational House, 32 Winckley Square, Preston, Lancashire, PR1 3JJ
Date of appointment	2 March 2022

FINAL ACCOUNT OF MYLKPLUS LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

Appendix II

Receipts and Payments account for the Review Period from 02 March 2022 To 30 November 2022

S of A £		As Previously Reported	02/03/22 to 30/11/22	Total £
	RECEIPTS			
NIL	Tax Refund	NIL	57.00	57.00
349	Cash at Bank	NIL	0.44	0.44
349		NIL	57.44	57.44
	PAYMENTS			
NIL	Office Holders Fees	NIL	47.87	47.87
NIL	VAT Irrecoverable	NIL	9.57	9.57
0		NIL	57.44	57.44
349	CASH IN HAND	NIL	NIL	NIL



Ian McCulloch
Joint Liquidator

FINAL ACCOUNT OF MYLKPLUS LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

Appendix III

Detailed list of work undertaken for Mylkplus Limited in Creditors' Voluntary Liquidation for the Review Period

Below is detailed information about the tasks undertaken by the Joint Liquidators.

General Description	Includes
Statutory and General Administration	
Statutory/advertising	Filing of documents to meet statutory requirements including annual receipts and payments accounts Advertising in accordance with statutory requirements Bonding the case for the value of the assets
Document maintenance/file review/checklist	Filing of documents Periodic file reviews documenting strategy Periodic reviews of the application of ethical, anti-money laundering and anti-bribery safeguards Maintenance of statutory and case progression task lists/diaries Updating checklists
Bank account administration	Preparing correspondence opening and closing accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers Maintenance of the estate cash book Banking remittances and issuing cheques/BACS payments
Planning / Review	Discussions regarding strategies to be pursued Meetings with team members to consider practical, technical and legal aspects of the case
Pension scheme	Identifying whether there is a pension scheme
Reports	Circulating initial report to creditors upon appointment Preparing final report, investigation, meeting and general reports to creditors Disclosure of sales to connected parties Circulating final report to creditors
Meeting of Creditors	Preparation of meeting notices, proxies/voting forms and advertisements notice of meeting to all known creditors Collate and examine proofs and proxies/votes to decide on resolutions Preparation of meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, advertisement of meeting and draft minutes of meeting. Responding to queries and questions following meeting Issuing notice of result of meeting.
Closure	Review case to ensure all matters have been finalised Draft final report Obtain clearance to close case from HMRC together with submitting final tax return Obtain final accounts from agents solicitors and others instructed Convene and hold final meetings File documents with Registrar of Companies
Investigations	
SIP 2 Review	Collection and making an inventory of company books and records Correspondence to request information on the company's dealings, making further enquiries of third parties Reviewing questionnaires submitted by creditors and directors
Statutory reporting on conduct of director(s)	Preparing statutory investigation reports Liaising with Insolvency Service Submission of report with the Insolvency Service
Realisation of Assets	
Cash at bank / VAT refunds	Liaising with banks Examining company records to support tax refunds Exchanges with government departments
Creditors and Distributions	
Creditor Communication	Receive and follow up creditor enquiries via telephone Review and prepare correspondence to creditors and their representatives via facsimile, email and post
Dealing with proofs of debt	Receipting and filing POD when not related to a dividend Corresponding with RPO regarding POD when not related to a dividend

Information relating to Opus Restructuring LLP's Fees and Expenses

Explanation of Opus Restructuring LLP's charging and expense recovery policies

Time recording

Work undertaken on cases is recorded in 6-minute units in an electronic time recording system. Time properly incurred on cases is charged at the hourly rate of the grade of staff undertaking the work that applies at the time the work is done. The current hourly charge-out rates are:

	Rates from 04.05.2020 £'s
Partner	250 – 425
Senior Manager / Director	275 – 350
Assistant Manager / Manager	250 – 275
Junior Administrator / Administrator / Senior Administrator	100 – 225
Cashier	150
Support Staff	100

Expense recovery

In line with the revised Statement of Insolvency Practice 9 effective from 1 April 2021, creditors will note that in our previous circulars, expenses were known as disbursements. Should any creditor require any clarification on this point or the impact it will have on their claim, please contact us for further information.

Expenses are categorised as either Category 1 or Category 2.

Category 1 expenses will generally comprise of external parties which will include the supplies of incidental services specifically identifiable to the case. Where these have initially been paid by Opus Restructuring LLP and then recharged to the case, approval from creditors is required and are identified as Category 2 expenses. The amount recharged is the exact amount incurred.

Examples of Category 1 expenses include but are not limited to case advertising, invoiced travel, agents' costs and expenses, solicitors' fees and expenses, external room hire, bank charges, Insolv case management charge and properly reimbursed expenses incurred by personnel in connection with the case (including business mileage up to the HMRC approved rate for cases commenced before 1 November 2011). Also included will be services specific to the case where these cannot practically be provided internally such as printing, room hire and document storage.

Category 2 expenses include elements of shared or allocated costs incurred by Opus and are recharged to the estate; they are not attributed to the estate by a third party invoice and they do not include a profit element. These disbursements are recoverable in full, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of Category 2 expenses are photocopying, all business mileage (for cases commencing on or after 1 November 2011). Payment of Category 2 expenses require the approval of creditors.

FINAL ACCOUNT OF MYLKPLUS LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

Appendix IV

Time cost information for the Review Period between 02 March 2022 and 30 November 2022

Classification of work function	Partner/ Director	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost	Average Hourly Rate
Administration & Planning	0.50	5.20	16.00	3.30	25.00	5,275.00	211.00
Investigations	0.20	0.40	6.00	0.00	6.60	1,540.00	233.33
Realisation of Assets	0.00	0.20	0.50	0.00	0.70	167.50	239.29
Creditors	0.00	0.00	0.40	0.00	0.40	75.00	187.50
Case Specific Matters	0.00	0.00	0.70	0.00	0.70	157.50	225.00
Total hours	0.70	5.80	23.60	3.30	33.40		
Time costs	280.00	1,595.00	4,960.00	380.00		7,215.00	
Average hourly rate	400.00	275.00	210.17	115.15			216.02

Description	Total Incurred £	Total Recovered £
CAT 1 Pension Report	150.00	150.00
CAT 1 Postage	11.46	0.00
CAT 1 Statutory Advertising	332.00	332.00
CAT 1 Storage	162.00	162.00
CAT 1 Specific Bond	24.00	24.00
CAT 1 Insolv Fee	185.00	185.00
Totals	864.46	853.00

Summary of Fees

Time spent in administering the Assignment	Hours	33.40
Total value of time spent to 30 November 2022	£	7,215.00
Total fees charged to 30 November 2022	£	

FINAL ACCOUNT OF MYLKPLUS LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

Appendix V

Time costs summary for the Review Period & comparison with estimate for Mylkplus Limited in Creditors Voluntary Liquidation.

	Original fees estimate			Actual time costs incurred during the Review Period			Total time costs incurred to date		
Work category	Number of hours	Blended hourly rate £ per hour	Total fees £	Number of hours	Average hourly rate £ per hour	Total time costs £	Number of hours	Average hourly rate £ per hour	Total time costs £
Administration (including statutory reporting)	30.00	235.00	7,050.00	25.00	211.00	5,275.00	25.00	211.00	5,275.00
Realisation of assets	0.00	0.00	0.00	0.70	239.29	167.50	0.70	239.29	167.50
Creditors (claims and distribution)	10.00	205.00	2,050.00	0.40	187.50	75.00	0.40	187.50	75.00
Investigations	15.00	235.00	3,525.00	6.60	233.33	1,540.00	6.60	233.33	1,540.00
Case Specific Matters	4.00	287.50	1,150.00	0.70	225.00	157.50	0.70	225.00	157.50

FINAL ACCOUNT OF MYLKPLUS LIMITED - IN CREDITORS' VOLUNTARY LIQUIDATION

Appendix VI

Expenses summary for period, cumulative & comparison with estimate for Mylkplus Limited Limited in Creditors' Voluntary Liquidation

Below are details of the Joint Liquidators' expenses for the period under review and the total to date.

Expenses	Original expenses estimate £	Actual expenses incurred in the Review Period £	Actual expenses incurred to date £	Reason for any excess (if the expenses are likely to, or have, exceeded the original estimate)
Category 1 Expenses				
Advertising	298.35	-	-	
Postage	80.00	-	-	
Bonding	20.00	-	-	
Storage	100.00	-	-	
Case Management Fee	185.00	-	-	
Category 2 Expenses				
AML Check	5.00	-	-	
Company Searches	10.00	-	-	

Appendix VII

NOTICE OF NO DIVIDEND

Company Name: Mylkplus Limited (In Liquidation) ("the Company")

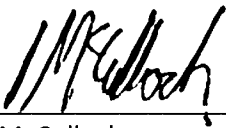
Company Number: 11522084

This Notice is given under Rule 14.36 of the Insolvency (England & Wales) Rules 2016 ("the Rules"). It is delivered by the Joint Liquidators of the Company, Ian McCulloch and Trevor John Binyon, of Opus Restructuring LLP, Mount Suite, Rational House, 32 Winckley Square, Preston, Lancashire, PR1 3JJ (telephone number: 0151 459 3046), who was appointed by the members and creditors.

The Joint Liquidators give notice confirming that no dividend will be declared in the Liquidation of the Company.

The funds realised have already been distributed or used or allocated for paying the expenses of the Liquidation.

The Joint Liquidators will now proceed to conclude the Liquidation and therefore any claims against the assets of the Company are required to be established by 05 January 2023.

Signed: 

Ian McCulloch
Joint Liquidator

Dated: 30 November 2022

Appendix VII

NOTICE THAT THE COMPANY'S AFFAIRS ARE FULLY WOUND UP

Company Name: Mylkplus Limited (In Liquidation) ("the Company")

Company Number: 11522084

This Notice is given under Rule 6.28 of the Insolvency (England & Wales) Rules 2016 ("the Rules"). It is delivered by the Joint Liquidators of the Company, Ian McCulloch and Trevor John Binyon, of Opus Restructuring LLP, Mount Suite, Rational House, 32 Winckley Square, Preston, Lancashire, PR1 3JJ (telephone number: 0151 459 3406), who was appointed by the members and creditors.

The Joint Liquidators give notice that the Company's affairs are fully wound up.

Creditors have the right:

- (i) to request information from the Joint Liquidators under Rule 18.9 of the Rules;
- (ii) to challenge the Joint Liquidators' remuneration and expenses under Rule 18.34 of the Rules; and
- (iii) to object to the release of the Joint Liquidators by giving notice in writing below before the end of the prescribed period to:

Ian McCulloch
Opus Restructuring LLP
Mount Suite, Rational House, 32 Winckley Square, Preston, Lancashire, PR1 3JJ


The prescribed period ends at the later of: (i) eight weeks after delivery of this notice, or (ii) if any request for information under Rule 18.9 of the Rules or any application to court under that Rule or Rule 18.34 of the Rules is made, when that request or application is finally determined.

The Joint Liquidators will vacate office under Section 171 of the Insolvency Act 1986 ("the Act") on delivering to the Registrar of Companies the final account and notice saying whether any creditor has objected to release.

The Joint Liquidators will be released under Section 173 of the Act at the same time as vacating office unless any of the Company's creditors objected to release.

Relevant extracts of the Rules referred to above are provided overleaf.

Signed: _____


Ian McCulloch
Joint Liquidator

Dated: 30 November 2022

**RELEVANT EXTRACTS OF RULES 18.9 AND 18.34 OF
THE INSOLVENCY (ENGLAND & WALES) RULES 2016**

Rule 18.9

- (1) The following may make a written request to the office-holder for further information about remuneration or expenses set out in a final report under rule 18.14:
- a secured creditor;
 - an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question); or
 - any unsecured creditor 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 creditor.

Rule 18.34

- (1) This rule applies to an application in a winding-up made by a person mentioned in paragraph (2) on the grounds that:
- the remuneration charged by the office-holder is in all the circumstances excessive;
 - 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
 - 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 secured creditor; or
 - 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.
- (3) The application by a creditor must be made no later than eight weeks after receipt by the applicant of the final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question.

Appendix IX – Privacy Notice

The following information is provided to comply with the requirements of the UK General Data Protection Regulation.

This privacy statement describes why and how we collect and use personal data and provides information about individuals' rights. It applies to personal data provided to us, both by individuals themselves or by others. We may use personal data provided to us for any of the purposes described in this privacy statement or as otherwise stated at the point of collection.

Identity and contact details of the controller and where applicable, the controller's representative and the data protection officer	<p>Where an insolvency practitioner of Opus Restructuring LLP is not appointed as office holder, the data controller is either the company/individual on whose instructions Opus Restructuring LLP is acting or it is Opus Restructuring LLP. The contact details of Opus Restructuring LLP are: Mount Suite, Rational House, 32 Winckley Square, Preston, Lancashire, PR1 3JJ, 01772 669860, preston@opusllp.com.</p> <p>Where an insolvency practitioner of Mount Suite, Rational House, 32 Winckley Square, Preston, Lancashire, PR1 3JJ is appointed as office holder and the data processing is carried out as part of their statutory duties, the office holder(s) may be the data controller(s). The insolvency practitioner(s) can be contacted at: Opus Restructuring LLP, Mount Suite, Rational House, 32 Winckley Square, Preston, Lancashire, PR1 3JJ 01772 669860, preston@opusllp.com.</p>
How we use your personal information	<p>The purpose for which personal information is processed may include any or all of the following:</p> <ul style="list-style-type: none"> • deliver services and meet legal responsibilities • verify identity where this is required • communication by post, email or telephone • understand needs and how they may be met • maintain records • process financial transactions • prevent and detect crime, fraud or corruption • may also need to use data to defend or take legal actions related to the above
Lawful basis for the processing	<p>Most processing is carried out to comply with our legal obligations under statute and other regulatory obligations related to the insolvency process. We also believe our processing is for the legitimate interests of all stakeholders in the insolvency process, as they are entitled to be kept informed and may wish to engage in the insolvency process. Where Opus Restructuring LLP has engaged with a client to perform a service, we will be required to process data to provide the service in accordance with the contractual terms.</p>
What personal information we hold	<p>The categories are: contact details, financial information and location. In rare cases, we may hold some special category data, e.g. trade union membership or information about individuals' health, which will be necessary to administer the insolvency process in line with our legal obligations.</p>
Who we share our data with	<p>[if applicable] Our firm may have offices outside of the UK. We may also use third parties located in other countries to help us run our business. As a result, personal data may be transferred outside the countries where we and our clients are located. This includes countries that do not have laws that provide specific protection for personal data. We have taken steps to ensure all personal data is provided with adequate protection and that all transfers of personal data internationally are done lawfully. Where we transfer personal</p>

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	<p>data internationally to a country not providing an adequate level of protection for personal data, the transfers will be under an agreement which covers the UK GDPR for the transfer of personal data internationally.</p> <p>Personal data held by us may be transferred to:</p> <p>[if applicable]Other member firms and/or Other offices Details of our member firm/other office locations are available here www.opusllp.com. We may share personal data with other member firms/other offices where necessary for administrative purposes and to provide professional services to our clients.</p> <p>[if applicable]Third party organisations that provide applications/functionality, data processing or IT services to us We use third parties to support us in providing our services and to help provide, run and manage our internal IT systems. For example, providers of information technology, cloud based software as a service provider, identity management, website hosting and management, data analysis, data back-up, security and storage services. The servers powering and facilitating that cloud infrastructure are located in secure data centres around the world, and personal data may be stored in any one of them.</p> <p>[if applicable]Third party organisations that otherwise assist us in providing goods, services or information</p> <p>Auditors and other professional advisers</p> <p>Law enforcement or other government and regulatory agencies or to other third parties as required by, and in accordance with, applicable law or regulation Occasionally, we may receive requests from third parties with authority to obtain disclosure of personal data, such as to check that we are complying with applicable law and regulation, to investigate an alleged crime, to establish, exercise or defend legal rights. In addition, as part of our statutory duties, we may be required to share some personal data with government agencies (e.g. Companies House and the Insolvency Service) and this may result in some data being made available by these agencies in the public domain. We will only fulfil requests for personal data where we are permitted to do so in accordance with applicable law or regulation.</p>
How long we retain your personal information	<p>We retain personal data for as long as is necessary to achieve the purpose listed above and for any other permissible related purpose. For example, we retain most records until the time limit for claims arising from the activities has expired or otherwise to comply with statutory or regulatory requirements regarding the retention of such records.</p>
Your rights	<p>The UK GDPR provides the following rights for individuals:</p> <p><u>Right to inform</u> This privacy notice meets our requirement to inform you of our processing of your data.</p> <p><u>Access to personal data</u> You have a right of access to personal data held by us as a data controller. This right may be exercised by contacting us Opus Restructuring LLP, Mount Suite, Rational House, 32 Winckley Square, Preston, Lancashire, PR1 3JJ, 01772 669860, preston@opusllp.com. We will aim to respond to any requests for information promptly, and in any event within one month.</p>

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	<p><u>Amendment of personal data</u> To update personal data submitted to us, you may email us at preston@opusllp.com or, where appropriate, contact us via the relevant website registration page or by amending the personal details held on relevant applications with which you registered.</p> <p><u>Rights that do not apply in these particular circumstances</u> Not all of the rights under the UK GDPR are available as one of the reasons we are holding your data is on the basis of it being a legal obligation and therefore the right to erasure, data portability and to object do not apply.</p>
Right to withdraw consent	The data received was not based upon obtaining consent and therefore the right to withdraw consent does not apply.
Changes to our privacy statement	<p>We keep this privacy statement under regular review and will place any updates on our website. Paper copies of the privacy statement may also be obtained by writing to us at Opus Restructuring LLP, Mount Suite, Rational House, 32 Winckley Square, Preston, Lancashire, PR1 3JJ.</p> <p>This privacy statement was last updated on 21 September 2021.</p>

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Complaints	<p>Should you want to complain about our use of personal data, please contact us [insert contact information].</p> <p>You also have the right to lodge a complaint with the Information Commissioner's Office ("ICO") (the UK data protection regulator). For further information on your rights and how to complain to the ICO, please refer to the ICO website.</p>
Who provided the personal data	<p>Except where your personal data was provided by you or your representative, the personal data we have used to contact you was provided by the company/individual (or persons acting on their behalf) on whose instructions we are acting or in relation to which our insolvency practitioner has been appointed. We also access information from the Registrar of Companies and other similar public-access data providers.</p>