

WU15

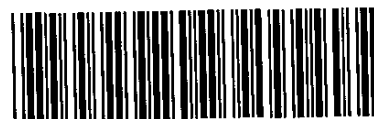
Notice of final account prior to dissolution in a winding up by the court



Companies House

For further information, please

MONDAY



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14/01/2019

#231

COMPANIES HOUSE

Timing in this form

Please complete in typescript or in
bold black capitals.

1 Company details

Company number 0 7 5 0 7 9 5 0

Company name in full Arc Healthcare Limited

2 Liquidator's name

Full forename(s) Kevin

Surname Goldfarb

3 Liquidator's address

Building name/number Tavistock House South

Street Tavistock Square

Post town London

County/Region

Postcode W C 1 H 9 L G

Country

4 Liquidator's name ①

Full forename(s)

Surname

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

Postcode

Country

② Other liquidator

Use this section to tell us about
another liquidator.

WU15

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

6 Liquidator's release

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

☐ Yes

☒ No

7 Date of final account

Date

d	0	d	9	m	1	m	1	y	2	y	0	y	1	y	8
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

8 Final account

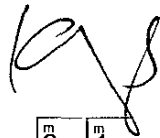
☒ The final account is attached

9 Sign and date

Liquidator's signature

Signature

X



X

Signature date

d	1	d	0	m	0	m	1	y	2	y	0	y	1	y	9
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WU15

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



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 Nicola Elsworth

Company name Griffins

Address Tavistock House South
Tavistock Square

Post town London

County/Region

Postcode W C 1 H 9 L G

Country

DX

Telephone 020 7554 9600



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.



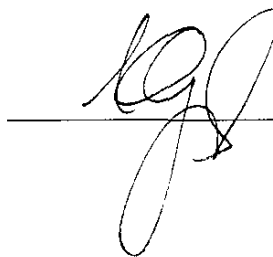
Further information

For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email 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

Arc Healthcare Limited
(In Liquidation)
Liquidator's Abstract of Receipts & Payments
From 16 February 2016 To 9 November 2018

S of A £		£	£
	COST OF REALISATIONS		
	O.R. Disbursements	2,400.00	
	Petitioners Deposit	(1,250.00)	
	VAT	33.26	
	Stationery & Postage	19.79	
	Statutory Advertising	146.50	
	Bank Charges	242.00	
	Expenses borne by Griffins	(199.55)	
			(1,392.00)
	UNSECURED CREDITORS		
(176,182.62)	Trade & Expense Creditors	NIL	
(43.27)	Banks/Institutions	NIL	
(19,789.71)	HM Revenue & Customs	NIL	
			NIL
	DISTRIBUTIONS		
(100.00)	Ordinary Shareholders	NIL	
			NIL
(196,115.60)			(1,392.00)
	REPRESENTED BY		
	ISA NIB		(1,392.00)
			(1,392.00)



Kevin Goldfarb
Liquidator



**Arc Healthcare Limited
In Compulsory Liquidation**

**In the County Court at Leeds
No. 760 of 2015**

**Liquidator's Final Account to Creditors
for the period ending 9 November 2018**



Contents

1. Introduction
2. Receipts and Payments Accounts
3. Realisation of Assets
4. Investigations
5. Statutory and Professional Compliance
6. Creditors' Communication, Claims and Distributions
7. Liquidator's Remuneration
8. Liquidator's Expenses and Disbursements
9. Quality of Service, Data Privacy and Code of Ethics
10. Creditors' Rights
11. Conclusion

Appendices

- A. Statutory and Office Holder Information
- B. Receipts and Payments Account for the period 16 February 2018 to 9 November 2018, together with an account for the period of the appointment and a comparison with the amounts recorded in the Official Receiver's report to creditors
- C. Griffins' Time Analysis for the period 16 February 2018 to 9 November 2018, and for the entire period of the appointment, provided in accordance with the Statement of Insolvency Practice 9
- D. Statutory and Creditor Compliance Tasks
- E. Notice under Rule 6.28 of the Insolvency (England & Wales) Rules 2016 that the Company's affairs are fully wound up
- F. Creditors' Rights – Rules 18.9 and 18.34 of the Insolvency (England & Wales) Rules 2016 ("IR 2016")



1 Introduction

Arc Healthcare Limited ("the Company") was incorporated on 27 January 2011, as a wholly owned subsidiary of Arc Healthcare Solutions Incorporated ("AHS"), a hospital equipment manufacturer based in Canada.

LTE Scientific Limited ("LTE") presented a petition for the Company's winding up on 28 August 2015. Pursuant to LTE's petition, on 13 October 2015, the Company was wound up by the Court and I was appointed Liquidator of the Company by the Secretary of State on 16 February 2016.

This account provides a final update on the progress in the liquidation and should be read in conjunction with my previous reports. I confirm that the affairs of the Company are fully wound up, and attached at Appendix E is a notice to this effect under Rule 6.28 of IR 2016.

Additional information in respect of the Company and Office Holder is attached at Appendix A.

This report provides creditors with the following information:

- The work undertaken
- An explanation of my statutory and professional compliance duties as Liquidator

2 Receipts and Payments Account

An account of the receipts and payments for the period 16 February 2018 to 9 November 2018, is at Appendix B, together with an account for the period of the liquidation and a comparison with the amounts recorded in the Official Receiver's report to creditors.

The receipts and payments account reflects actual payments made rather than accrued unpaid expenses. My specific bond and Land Registry searches have been paid by Griffins and are not shown in the receipts and payments account.

I confirm that I have reconciled my account with that held by the Secretary of State in respect of this liquidation.

Deposit on Petition Costs

The sum of £1,250 relates to the petitioner paying a deposit to cover the initial costs of the liquidation.

Official Receiver's Remuneration

The Official Receiver's remuneration for the liquidation amounts to £2,400. This fee is payable to the Official Receiver for their general and statutory duties on the making of a winding-up order.



Bank Charges

During the period of the liquidation, charges of £242 have been incurred.

3 Realisation of Assets

The Official Receiver's Report to Creditors dated 1 December 2015 stated that the Company had no assets of value, although it also refers to a disclosure of equipment which required further enquiry.

I was subsequently advised that there were unrealised assets with an estimated value of £5,000, comprising endoscope sterilising units.

LTE, who had an agreement with the Company to deal with sales, marketing and storage of the units, understood them to be the property of AHS, which was corroborated on the manufacturer's nameplate for the units.

Furthermore, the former Company director, Michael Biggins, advised that the Company 'controlled' the units but was unable to confirm which entity owned them. A review of the books and records did not provide conclusive evidence that the Company owned the units.

As stated in my initial report for the period ending 15 February 2017, there is insufficient evidence that the units belonged to the Company and due to the low aggregate value of the units, this line of enquiry was discontinued.

4 Investigations

Investigations into the affairs of the Company were undertaken by the Official Receiver prior to my appointment.

As Liquidator, I undertook my own investigations into the Company's affairs based on the information available to me, to assess whether there was any merit in a more detailed investigation into any aspect of the Company's financial affairs.

This exercise was conducted taking into account the level of assets available to fund any identified further investigations or actions, and the materiality of any matters that have arisen.

As previously reported, the Company acted as the UK agent of the Canadian parent company AHS, and a review of the Company's records established that the Company was funded by AHS. Following the commencement of insolvency proceedings against AHS, the funding ceased and the Company was unable to continue operating resulting in its own terminal insolvency.

Following the recovery of books and records from the former directors, the Company's accountants and the Company's bank, I undertook analysis of the financial transactions between the Company and associated parties. This identified two potential claims against PMC (Brighthouse) Limited ("PMC") and the directors of the Company.



4.1.1 Claim against PMC

Regular payments were made from the Company's bank account to PMC which, according to related invoices, were in respect of 'business development support'. There was no formal contract between PMC and the Company, although there were contractual agreements between PMC and AHS.

Notwithstanding the absence of contracts between the Company and PMC, the bank statements demonstrated that the payments made were funded by AHS. As such, the Company was apparently acting as the agent of AHS in facilitating the payments and consequently there was no loss to the Company.

Consideration was also given in respect of payments totalling £8,200 to PMC at a time when other creditors of the Company were not being paid.

I sought advice from solicitors in respect of the claim, however, given its low value and the subsequent dissolution of PMC in September 2017, I was advised it was not economical to pursue any aspect of the claim.

4.1.2 Claim against the Directors

By July 2014, payments from AHS to the Company had ceased and the Company directors had contemplated insolvency proceedings in August 2014. However, the Company was not wound up until October 2015. An increase in the net deficiency of the Company from July 2014 was identified and estimated at £30,000.

Advice was subsequently sought from solicitors on whether a wrongful trading claim would exist against the directors as they ought to have concluded that there was no reasonable prospect that the Company could avoid an insolvent liquidation.

The legal advice confirmed that there was a viable wrongful trading claim against the directors pursuant to section 214 of the Insolvency Act 1986, however, it would be uneconomical to pursue due to the associated legal costs and relatively small potential recovery.

I have not identified any further lines of enquiry which could lead to recoveries for the liquidation estate. My investigations into the affairs of the Company are now complete.

5 Statutory and Professional Compliance

I have met a considerable number of statutory and regulatory obligations. This work did not provide a direct financial benefit to creditors, but they did assist in the efficient and compliant progression of the liquidation. This ensured that my staff and I carried out our work to high professional standards.

In order that creditors can have an informed understanding of these matters, they are listed at Appendix D.



6 Creditors' Communication, Claims and Distributions

6.1 Communication

I was required, as Liquidator, to undertake certain tasks in relation to creditors' claims. This work did not provide a direct financial benefit to the liquidation estate but was essential to the administration of the case.

In order that creditors can have an informed understanding of these matters, they are also listed at Appendix D.

The current position as regards creditors' claims and dividends are detailed below.

6.2 Secured Creditors

An examination of the Company's mortgage register held by the Registrar of Companies shows that the Company has no outstanding charges over its assets.

6.3 Preferential Creditors

No preferential claims have been received in the liquidation.

6.4 Unsecured Creditors

The Official Receiver's report to creditors showed unsecured creditors with a total value of £196,016.60. I have received three claims totalling £167,036.10.

6.5 Distributions

Under Rule 14.36 and 14.37(b) IR 2016, I give notice that I am unable to declare a dividend to any class of creditors as the funds realised were used for defraying the expenses of the liquidation.

7 Liquidator's Remuneration

Appendix C details my total time costs for dealing with this case. It also provides details of the activity costs to date incurred by me and my staff, by grade, together with details of the average hourly charge rates.

In the period 16 February 2018 to 9 November 2018, my staff and I have recorded time costs of £3,935.84, representing 14.67 hours at an average rate of £268.35.

In the period of my appointment, my staff and I have recorded time costs of £450,000.93, representing 162.25 hours at an average rate of £308.17.

Fee Resolution

At the adjourned meeting of creditors held on 16 May 2017, it was approved that the Liquidator be remunerated on the basis of time properly spent by the Liquidator and his staff, limited to a time costs estimate of £50,000 plus VAT. Fees to be drawn as and when funds permit.



The approved fee estimate currently in force imposes an overall cap on my fees, however, due to insufficient funds in the liquidation estate, I have not drawn any fees for acting as Liquidator.

Therefore, there is no value in providing a comparison to the time incurred (which will not be charged) by myself and my staff to my prior projections. My outstanding time costs will be written off.

Further information regarding remuneration can be found in "A Creditors' Guide to Liquidator's Fees", which is available for download at the following address: <http://www.griffins.net/technical/>, together with Griffins policy on chargeout rates and disbursements provided in accordance with the Statement of Insolvency Practice 9. A hard copy of both can be provided upon request at no cost.

In addition, creditors can find more information on the insolvency process at <http://www.creditorinsolvencyguide.co.uk/>.

8 Liquidator's Expenses and Disbursements

Expenses' are amounts properly payable by the office holder from the estate. These may include, but are not limited to, legal and agents' fees.

'Disbursements' are expenses met by the office holder and reimbursed to the office holder in connection with an insolvency appointment and will fall into two categories, Category 1 and Category 2.

The table below provides details of the Category 1 disbursements incurred and paid during the period of the liquidation.

Payee name	Nature of expense incurred	Amount incurred and paid
		£
Courts Advertising	Statutory Advertising	146.50
CitySprint (UK)	Stationery & Postage	19.79
N/A	Irrecoverable VAT	33.26
	TOTAL	199.55

In accordance with Griffins' current policy, no Category 2 disbursements have been drawn since my appointment.



9 Quality of Service, Data Privacy and Code of Ethics

My staff and I endeavour to provide the best possible standards at all times.

Our updated privacy policy explains the measures we take to protect your data and the legal basis for doing so. Please review our updated Privacy Policy on our website: <http://www.griffins.net/data-privacy-notice/>.

I am bound by the Code of Ethics for Insolvency Practitioners when carrying out all professional work relating to insolvency appointments. Please refer to Institute of Chartered Accountants in England and Wales website for further details: <https://www.icaew.com/en/membership/regulations-standards-and-guidance/ethics/code-of-ethics-d>.

If you would like to make any comments, suggestions, raise a query or make a complaint about the service you have received, please contact my team manager, Ian Tilbury in the first instance at ian.tilbury@griffins.net. We will provide a response within 28 days.

10 Creditors' Rights

Creditors are advised that Rule 18.9 of the IR 2016 provides the right to make a request to the Liquidator further information about remuneration or expenses appearing in this report. Rule 18.34 of the IR 2016 provides creditors with a right to challenge the Liquidator's remuneration and expenses.

Copies of these Rules are attached at Appendix F, for your information.

11 Conclusion

This final account will conclude my administration of the liquidation. The notice accompanying this account explains when I will vacate office and obtain my release as Liquidator.

On the filing of this final account with the Registrar of Companies and the Court, I will vacate office.

The Registrar of Companies will dissolve the Company three months after the filing of the final account.


Kevin Goldfarb
Liquidator

Date:

9.11.18



Arc Healthcare Limited (In Liquidation)

Appendix A

Statutory and Office Holder Information

Company information

Company name:	Arc Healthcare Limited
Company number:	07507950
Trading name:	Arc Healthcare Limited
Nature of business:	Manufacture of other fabricated metal products
Trading address:	Unit 18 Royds Enterprise Park, Future Fields, Wibsey, Bradford, West Yorkshire, BD6 3EW
Court name:	County Court at Leeds
Court reference:	No. 760 of 2015
Petitioning creditor:	LTE Scientific Limited
Registered office:	Griffins, Tavistock House South, Tavistock Square, London WC1H 9LG
Former registered office:	Unit 18 Royds Enterprise Park, Future Fields, Wibsey, Bradford, West Yorkshire, BD6 3EW
Winding-up order date:	13 October 2015

Liquidator's details

Name:	Kevin Goldfarb
IP number:	8858
Name of firm:	Griffins
Firm's address:	Tavistock House South, Tavistock Square, London, WC1H 9LG
Date of Appointment:	16 February 2016



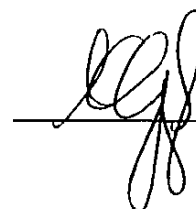
Liquidator's Receipts and Payments Account for the period 16 February 2018 to 9 November 2018, together with an account for the period of appointment and a comparison with the amounts recorded in the Official Receiver's report to creditors



**Arc Healthcare Limited
(In Liquidation)
Liquidator's Summary of Receipts & Payments**

Appendix B

Statement of Affairs £	From 16/02/2018 To 09/11/2018 £	From 16/02/2016 To 09/11/2018 £
COST OF REALISATIONS		
O.R. Disbursements	NIL	2,400.00
Petitioners Deposit	NIL	(1,250.00)
Petitioners Costs	(3,694.40)	NIL
VAT	33.26	33.26
Stationery & Postage	NIL	19.79
Statutory Advertising	NIL	146.50
Bank Charges	66.00	242.00
Expenses borne by Griffins	(199.55)	(199.55)
	<u>3,794.69</u>	<u>(1,392.00)</u>
UNSECURED CREDITORS		
(176,182.62) Trade & Expense Creditors	NIL	NIL
(43.27) Banks/Institutions	NIL	NIL
(19,789.71) HM Revenue & Customs	NIL	NIL
	<u>NIL</u>	<u>NIL</u>
DISTRIBUTIONS		
(100.00) Ordinary Shareholders	NIL	NIL
	<u>NIL</u>	<u>NIL</u>
(196,115.60)	<u>3,794.69</u>	<u>(1,392.00)</u>
REPRESENTED BY		
ISA NIB		(1,392.00)
		<u>(1,392.00)</u>



Kevin Goldfarb
Liquidator



Appendix C

**Griffins' Time Analysis for the period 16 February 2018 to 9 November 2018, and for
the period of the appointment, provided in accordance with the Statement of
Insolvency Practice 9**



Time Entry - Detailed SIP9 Time & Cost Summary

ARCHE01 - Arc Healthcare Limited
 From: 16/02/2018 To: 09/11/2018
 Project Code: POST

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Administrators	Total Hours	Time Cost (£)	Average Hourly Rate (£)
CLOSING : Closing an Insolvency	0.00	0.17	0.57	0.00	4.67	4.50	1,017.50	226.11
STATUTORY : Statutory Duties	0.00	1.50	4.25	0.92	3.67	9.50	2,668.34	282.98
Administration & Planning	0.00	1.67	4.92	0.92	8.33	14.00	3,705.84	264.70
LIT-PRE : Pre-action litigation	0.00	0.00	0.67	0.00	0.00	0.67	230.00	345.00
Legal & Litigation	0.00	0.00	0.67	0.00	0.00	0.67	230.00	345.00
Total Hours	0.00	1.67	5.58	0.92	8.33	14.57	3,935.84	268.35
Total Fees Claimed							0.00	



Time Entry - Detailed SIP9 Time & Cost Summary

ARCHE01 - Arc Healthcare Limited
To: 09/11/2018
Project Code: POST

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Administrators	Total Hours	Time Cost (£)	Average Hourly Rate (£)
CLOSING : Closing an Inspecy	0.00	0.17	0.67	0.00	4.67	4.50	1,017.50	226.11
STATUTORY : Statutory Duties	0.33	6.00	12.83	2.92	18.58	39.25	10,415.91	265.37
Administration & Planning	0.33	6.17	13.50	2.92	23.25	43.75	11,433.41	261.34
CREDITOR : Creditor Related Work	0.00	0.25	8.50	0.00	1.67	10.00	3,057.50	305.75
Creditors	0.00	0.25	8.50	0.00	1.67	10.00	3,057.50	305.75
INV-FURTH : Further Investigations	0.00	0.83	8.75	0.00	0.00	7.58	2,582.90	340.60
INV-INIT : Initial Investigations	0.33	5.17	82.00	0.00	0.92	88.42	28,698.60	324.59
Investigations	0.33	6.00	88.75	0.00	0.92	96.00	31,281.70	325.85
LIT-PRE : Pre-action litigation	0.00	0.00	12.50	0.00	0.00	12.50	4,228.32	338.27
Legal & Litigation	0.00	0.00	12.50	0.00	0.00	12.50	4,228.32	338.27
Total Hours	0.67	12.42	123.25	2.92	25.83	162.25	50,000.93	308.17
Total Fees Claimed							0.00	



Statutory and Creditor Compliance Tasks



Post-Appointment Statutory and Professional Compliance

I have undertaken the following tasks, during the period of the liquidation:

- On appointment, dealt with case setup on our insolvency database, maintained and separately recorded all financial records on the case, including creditors and employees details;
- Liaised with the Official Receiver to arrange the handover of the case files and control of the assets;
- Notified creditors of my appointment and published the necessary statutory advertisements in respect of the liquidation proceedings;
- Obtained a Specific Penalty bond for a sum equal to the Company's assets subject to the statutory provisions. This bond covered any losses to the estate for any possible fraud or dishonesty of the Liquidator whether acting alone or in collusion with one or more persons and/or the fraud and dishonesty of any person committed with the connivance of the Liquidator, as required by Section 390 of the Insolvency Act 1986;
- Provided creditors with an opportunity to establish a Liquidation Committee;
- Obtained the Company's books and records;
- Established whether the Company had an occupational pension scheme.

Annual Statutory and Professional Compliance

In addition to the above tasks that were carried out, each year I undertook the following statutory tasks:

- Preparation and issuing of annual progress reports to members and creditors and submission of the same to the Registrar of Companies;
- Undertook bi-annual case reviews and ensured that the case was progressed efficiently and in a timely manner; undertook statutory duties; considered any ethical, money laundering and Bribery Act 2010 issues pertaining to the case and ensured that any identified matters were addressed;
- Submitted VAT returns to HM Revenue and Customs, to ensure that any VAT refunds or payments are received or paid;
- Submitted annual Corporation Tax returns to HM Revenue and Customs;
- Maintained the case cash book, by undertaking quarterly ISA reconciliations and ensure that funds received are paid into the ISA account within 14 days of receipt or forthwith if £5,000 or more is received.



Closing Statutory and Professional Compliance

After concluding all case related matters, I have, or will be, undertaking the following tasks:

- Prepared and issued letters to HM Revenue and Customs requesting clearances in respect of VAT, PAYE/NIC and Corporation Tax, in order to conclude the administration of the liquidation;
- Bank reconciliations, and the allocation of funds and payments;
- Prepared and issued the Final Account to members and creditors;
- If the creditors so resolve, obtain my release from the Secretary of State under Rule 7.69 of the IR 2016; and
- Obtain authorisation from the Official Receiver to destroy the books, papers and other records of the Company;
- Retain and store the liquidation records for a minimum of 6 years after the vacation of office.

Tasks in relation to creditors' claims

- Ensured that all creditors' claims are listed with the correct addresses and references and that the amount claimed correlates to the Official Receiver's report to creditors;
- Entered proof of debt forms/claims as and when they were received;
- Dealt with enquires from creditors.



Notice that the Company's Affairs are fully Wound Up



Notice that the Company's Affairs are fully Wound Up

Company Name: Arc Healthcare Limited (In Liquidation) ("the Company")

In the County Court at Leeds No. 760 of 2015

Company Number: 07507950

This Notice is given under Rule 6.28 of the Insolvency (England & Wales) Rules 2016 ("the Rules"). It is delivered by the Liquidator of the Company, Kevin Goldfarb, of Griffins, Tavistock House South, Tavistock Square, London, WC1H 9LG (telephone number: 0207 554 9600), who was appointed by the Secretary of State.

The Liquidator gives notice that the Company's affairs are fully wound up.

Creditors have the right:

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

Kevin Goldfarb (IP No. 8858), Griffins, Tavistock House South, Tavistock Square, London WC1H 9LG

Contact Name:

Nicola Elsworth

Email Address:


nicola.elsworth@griffins.net

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 Liquidator will vacate office under Section 172(8) of the Insolvency Act 1986 ("the Act") as soon as the Liquidator has complied with Section 146(4) of the Act by filing with the Court and delivering to the Registrar of Companies the final account and notice containing the statement required by Section 146(4)(b) of the Act of whether any creditors have objected to the Liquidator's release.

The Liquidator will be released under Section 174(4)(d)(ii) 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 at Appendix F.

Signed:  Dated: 9.11.18
Kevin Goldfarb
Liquidator



**Creditors' Rights – Rules 18.9 and 18.34 of the Insolvency (England & Wales) Rules
2016**



Insolvency (England & Wales) Rules 2016

Rule 18.9

Creditors' and members' requests for further information in administration, winding up and bankruptcy

(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 of 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).



Rule 18.34

Remuneration and expenses: application to Court by a creditor or member on grounds that remuneration or expenses are excessive

(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").

