

# CVA3

## Notice of supervisor's progress report in voluntary arrangement



Companies House

For further information, please  
refer to our guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

### 1 Company details

Company number 1 0 7 8 8 0 5 8

Company name in full MYA Clinics Ltd

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

### 2 Supervisor's name

Full forename(s) Robert William

Surname Sadler

### 3 Supervisor's address

Building name/number Devonshire House

Street

Post town 32-34 North Parade

County/Region Bradford

Postcode B D 1 3 H Z

Country

### 4 Supervisor's name

Full forename(s)

Surname

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

### 5 Supervisor's address

Building name/number

Street

Post town

County/Region

Postcode

Country

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

# CVA3

Notice of supervisor's progress report in voluntary arrangement

## 6 Date of voluntary arrangement

Date 

d	3	d	1	m	0	m	1	y	2	y	0	y	2	y	0
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

## 7 Period of progress report

Date from 

d	3	d	1	m	0	m	1	y	2	y	0	y	2	y	0
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Date to 

d	3	d	0	m	0	m	1	y	2	y	0	y	2	y	1
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## 8 Progress report

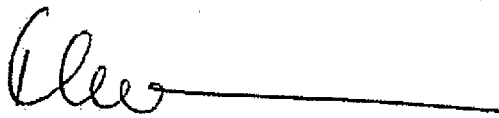
☒ I attach a copy of the progress report

## 9 Sign and date

Supervisor's signature

Signature

X



X

Signature date

d	3	d	1	m	0	m	3	y	2	y	0	y	2	y	1
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# CVA3

## Notice of supervisor's progress report in voluntary arrangement



### 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 **David Hodgson**

Company name **Auker Rhodes Limited**

Address  
**Devonshire House**  
**32/34 North Parade**

Post town **Bradford**

County/Region

Postcode  

B	D	1		3	H	Z
---	---	---	--	---	---	---

Country

DX

Telephone **01274 299499**



### 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 and dated 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)



**MYA CLINICS LTD  
(COMPANY VOLUNTARY ARRANGEMENT)**

**SUPERVISOR'S PROGRESS REPORT**

**THE SUPERVISOR'S FIRST PROGRESS REPORT IN ACCORDANCE WITH  
RULE 2.41 OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016**

**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS  
OF ENGLAND AND WALES  
INSOLVENCY AND COMPANIES LIST**

**IN THE MATTER OF THE INSOLVENCY ACT 1986  
AND  
IN THE MATTER OF MYA CLINICS LTD**

**30 MARCH 2021**



**AUKER RHODES ACCOUNTING LIMITED**

**Devonshire House  
32-34 North Parade  
Bradford  
BD1 3HZ**

**Tel: 01274 299499**

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## APPOINTMENT OF SUPERVISOR

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Date of appointment:	31/01/2020	
Date of Supervisor's appointment:	Robert William Sadler	31/01/2020
	John Paul Sugden	31/01/2020
Court case number:	High Court of Justice Insolvency & Companies List, CR-2019-007637	

On 15 October 2020, John Paul Sugden was removed as Joint Supervisor of the Company by an Order of the Court. The Order was advertised in the London Gazette on 10 November 2020.

Under the terms of the Order, John Paul Sugden was granted his release, or discharge from liability, as appropriate, 21 days after the publication of the Order.

Creditors should note that:

- the Proposal was accepted by creditors at a meeting of creditors held on 31 January 2020;
- the Supervisor acts as an officer of the Court without personal liability;
- Rob Sadler is licensed by the Insolvency Practitioners Association.

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## INTRODUCTION

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The Supervisor's Progress Report<sup>1</sup>, in accordance with the Insolvency (England and Wales) Rules 2016 ("the Rules"), provides creditors with an update on the Arrangement since the appointment of the Supervisor on 31 January 2020. The Report covers the period 31 January 2020 to 30 January 2021.

This report is private and confidential and is for the sole purpose of providing creditors of the Company with the information that the Supervisor is required to do by the Act and Rules. No part of this report may be reproduced or quoted from, referred to or used for any other purpose without the express permission of the Supervisor.

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## THE PROPOSAL

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Creditors will recall that the Proposal, dated 15 January 2020, provided for an estimated dividend to unsecured creditors totalling 69.24p in the £. The dividend in the CVA is in full and final settlement of all claims by creditors against the Company.

The duration of the CVA is expected to last for 64 months allowing for a month to deal with the final payment and all closing formalities.

The Proposal allowed for business critical creditors totalling £1,295,593 to be paid by the Company as part of the CVA, these creditors were believed to be critical to the continued trade of the Company and without the payment the Company would be forced to cease trading.

Two connected creditors, MYA Group Ltd and MYA Lingerie Limited, agreed to subordinate their claims to the general body of unsecured creditors.

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<sup>1</sup> Rule 2.41 of the Rules

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## PROGRESS DURING THE PERIOD OF THIS REPORT

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The Proposal for a CVA was uploaded to the creditor portal on 15 January 2020 at which point details of how to access the portal<sup>2</sup> were also circulated by post.

Following a request by the majority creditor, formal notice of a physical meeting of creditors was included in the Company's Proposal, which was held at 11am on 31 January 2020.

The following decisions were considered at the meeting:

1. The proposed Company Voluntary Arrangement be approved.
2. If Resolution 1 is approved, for the appointment of the Nominees as Supervisors and agreement that acts may be completed by any one or both of them.

The decisions were accepted by 83.131% of voting creditors.

A copy of the Chair's report on the meeting was uploaded to the creditor portal on 6 February 2020.

Following the acceptance of the CVA Proposal the Supervisor has continued to complete and fulfil his statutory and regulatory obligations in accordance with the Act and Rules.

The Proposal was based on contributions being made over the period of the CVA totalling £1,380,000, the first contribution of £5,000 was to be paid in March 2020 however following the onset of the COVID-19 pandemic and the enforced lockdowns the Company had to shut its clinics until further notice.

As a result, the Company has been unable to trade and generate profits to enable contributions to be made. The matter remains ongoing with the government lockdowns still in effect until further notice. Whilst the clinics have been closed the Company has managed to reduce its overheads as described in the Proposal including closing or reducing the size of a number of clinics.

Discussions with the Company's management have been very positive and

Following notification of the initial lockdown guidance was provided to the Supervisor from the Insolvency Practitioners Association as follows:

*"For voluntary arrangements, we acknowledge that IPs will exercise their discretion when handling a specific CVA and in the circumstances, accept that the discretion afforded to IPs in order to manage cases affected by the current crisis, is necessarily wide. IPs are reminded to document all decision-making and exercise of discretion."*

The Supervisor has therefore used his discretion to allow for contributions which were due to be caught up at a later date. This Supervisor has been in contact with the Company throughout the period and has been advised that forecasts for the next twelve months (lockdowns pending) should allow the contributions to be brought up to date by the second anniversary being 31 January 2022.

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## WHAT REMAINS TO BE DONE IN THE CVA

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The Supervisor will continue to monitor the contribution situation, in particular, when the COVID-19 lockdowns have been lifted.

The Supervisor will agree unsecured creditors' claims on an ongoing basis prior to the first dividend being paid.

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## THE SUPERVISOR'S RECEIPTS AND PAYMENTS ACCOUNT

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Attached at Appendix A is the Supervisor's Receipts and Payments Account covering the twelve month period from 31 January 2020 to 30 January 2021.

As detailed in the Account, no Receipts or Payments have been received or paid during the reporting period.

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<sup>2</sup> Rule 1.50 of the Rules

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## THE ESTIMATED OUTCOME FOR CREDITORS

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The Supervisor is not aware of any secured or preferential creditors.

The estimated dividend that will be available to unsecured creditors in the CVA remains 69.24 pence in the pound.

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## THE SUPERVISOR'S REMUNERATION, EXPENSES & DISBURSEMENTS

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The remuneration of the Supervisor was detailed within the Proposal, which was agreed by creditors on 31 January 2020. An estimate of the Supervisor's costs was included in section 38 of the proposal totalling £50,000 assuming that the CVA ran smoothly for its full duration.

The Supervisor has incurred costs of £8,745 in the reported period. An analysis of the time incurred is attached at Appendix B.

Auker Rhodes Accounting's charge out rates and disbursements policy can be found at Appendix D. Details of the expenses that the Supervisor has incurred are also attached at Appendix C.

A Creditors Guide to Voluntary Arrangement Fees can be accessed at [www.r3.org.uk/technical-library/england-wales/technical-guidance/fees/more/28888/page/1/version-1-issued-april-2010](http://www.r3.org.uk/technical-library/england-wales/technical-guidance/fees/more/28888/page/1/version-1-issued-april-2010). A hard copy of the Guide can be requested from the Supervisor's office.

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## EU EXIT REGULATIONS

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Part 1 of the Schedule to Regulation 2 of the Insolvency (Amendments) (EU Exit) Regulations 2019 ("EU Exit Regulations") apply to the Company. In accordance with section 4 of Part 1 of the Schedule to Regulation 2 of the EU Exit Regulations, these proceedings are COMI proceedings because they are in the place where the Company conducts the administration of its interests on a regular basis and which is ascertainable by third parties.

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## OTHER MATTERS

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Should creditors have any questions arising from this Progress Report they should contact the Supervisor's office.



**ROBERT WILLIAM SADLER**  
Supervisor

**MYA Clinics Ltd**  
**(Company Voluntary Arrangement)**

**Supervisors Receipts and Payments Account for the period**  
**31 January 2020 to 30 January 2021**

<b>INCOME</b>	<b>Total (£)</b>
	<hr/>
	<b>0.00</b>
	<hr/>
<b>EXPENDITURE</b>	
	<hr/>
	<b>0.00</b>
	<hr/>
<b>Balance</b>	<b>0.00</b>
	<hr/>
<b>MADE UP AS FOLLOWS</b>	
	<hr/>
	<b>0.00</b>
	<hr/>



## APPENDIX B

### MYA Clinics Ltd Analysis of Supervisors time costs for the period 31/01/2020 to 30/01/2021

Classification of work function	Officerholder	Manager	Other senior professionals	Assistants & support staff	Total hours	Time costs (£)	Average hourly rate (£)
Case Administration	8.50	17.70	0.00	0.00	26.20	5,665.00	216.22
Case Specific Matters	0.90	0.00	0.00	0.00	0.90	225.00	250.00
Closure	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors & shareholders	1.10	9.60	0.20	0.00	10.90	2,240.00	205.50
Employees	0.00	0.70	0.00	0.00	0.70	140.00	200.00
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	1.90	0.00	0.00	0.00	1.90	475.00	250.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>12.40</b>	<b>28.00</b>	<b>0.20</b>	<b>0.00</b>	<b>40.60</b>	<b>8,745.00</b>	<b>215.39</b>

# Expenses incurred by the Supervisor in the period 31 January 2020 to 30 January 2021

Expense	Supplier	Incurred & paid from 31/01/20 to 30/01/21 £	Incurred & remaining unpaid from 31/01/20 to 30/01/21 £	Total incurred from 31/01/20 to date £
Supervisors' bonds	Insolvency Risk Solutions	-	1,520.00	1,520.00
External room hire	Park House	-	150.00	150.00
Parking		-	3.83	3.83
Rail fare		-	11.37	11.37
Mileage		-	11.95	11.95
		-	1,870.15	1,870.15

## Notes

1. The approval of the payment of category 2 disbursements was not sought as a term of the Company's Proposal. Any relevant disbursements, for example mileage, will therefore be written off.

## AUKER RHODES ACCOUNTING – EXPENSES & CHARGEOUT RATES

### INTRODUCTION

This note applies where a licensed Insolvency Practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Required professional practice<sup>1</sup> states that such charges should be disclosed to those who are responsible for approving his remuneration, together with an explanation of how those charges are made up and the basis on which they are arrived at.

### DEFINITIONS

Required professional practice classifies expenses into two broad categories:

- *Category 1 expenses (approval not required)* – specific expenditure that is directly related to a specific insolvency case, where the cost of the expense incurred is referable against an independent external supplier's invoice or published tariff of charges; and
- *Category 2 expenses (approval required)* – all other items of expenditure:
  - which cannot, or cannot easily, be directly related to a specific insolvency case because there is an element of shared or allocated cost; and / or
  - where the cost of the expense incurred is an estimated, utilised cost with the estimate based on external costs or opportunity cost.

### EXPENSES

- *Category 1 expenses (approval not required)* – except for any items referred to below, all such items are re-charged to the case as they are incurred.
- *Category 2 expenses (approval required)*
  - (A) The following items of expenditure are re-charged as described:
    - Internal meeting room usage for the purpose of statutory meetings of creditors is re-charged at the rate of £100 per meeting;
    - Car mileage is re-charged at the rate of 35 pence per mile;
    - Storage of books and records (when not rechargeable as a *Category 1 expense*) is re-charged on the basis of £5 per box per year.
  - (B) The following items of expenditure will normally be treated as general office overheads not subject to a re-charge:
    - Telephone and facsimile
    - Printing and photocopying
    - Stationery

A re-charge may be made, however, where the precise cost to the case can be determined because the item satisfies the test of a *Category 1 expense*.

### STANDARD CHARGEOUT RATES AND CHARGING POLICY

The rates applying as at the date of this report are as follows:

Grade of staff	Chargeout rate (£ per hour)
Officeholder	250
Manager	200
Senior Administrator	150
Administrator	125
Admin / support staff	75 – 125

Time spent by support staff for carrying out shorter tasks, such as typing or dealing with post, is not charged to cases but is carried as an overhead. Only where a significant amount of time is spent at one time on a case is a charge made for support staff.

Time is recorded in units of six minutes.

<sup>1</sup>Statement of Insolvency Practice 9 (SIP 9) effective from 1 December 2015.