

# 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) Rob

Surname Sadler

### 3 Supervisor's address

Building name/number Devonshire House

Street 32-34 North Parade

Post town Bradford

County/Region West Yorkshire

Postcode B D 1 3 H Z

Country

### 4 Supervisor's name <sup>①</sup>

Full forename(s)

Surname

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

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

Building name/number

Street

Post town

County/Region

Postcode

Country

② 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	<sup>d</sup> 3	<sup>d</sup> 1	<sup>m</sup> 0	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 0
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**7** Period of progress report

Date from	<sup>d</sup> 3	<sup>d</sup> 1	<sup>m</sup> 0	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 1
Date to	<sup>d</sup> 3	<sup>d</sup> 0	<sup>m</sup> 0	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 2

**8** Progress report☒ I attach a copy of the progress report**9** Sign and date

Supervisor's signature

Signature

X

R. Saddle

X

Signature date

<sup>d</sup> 0	<sup>d</sup> 2	<sup>m</sup> 0	<sup>m</sup> 3	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 2	<sup>y</sup> 2
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**Presenter information**

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

Contact name

David Hodgson

Company name

Auker Rhodes Accounting Limited

Address

Devonshire House

32-34 North Parade

Post town

Bradford

County/Region

West Yorkshire

Postcode

B	D	1		3	H	Z		
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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 SECOND PROGRESS REPORT IN ACCORDANCE WITH  
RULE 2.41 OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016**

**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**

**2 MARCH 2022**

Presented by:



**Auker Rhodes  
Accounting**

Insolvency Practitioners & Business Advisers

**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 approval: 31 January 2020

Date of Supervisor's appointment: Robert William Sadler 31 January 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 held on 31 January 2020 and by the members on the same day;
- 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> 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 2021 to 30 January 2022 ("the Period").

This is the second annual Progress Report in respect of the CVA.

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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The Proposal, dated 15 January 2020, provided for an estimated dividend to unsecured creditors totalling 69.24 pence in the pound. 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 64 months

Since the proposal was agreed on 31 January 2020, the onset of the COVID-19 Pandemic has meant that the Company has been unable to make the agreed contributions from trading as it has been unable to trade in its usual manner since March 2020. At this stage it was envisaged that the Company would have paid £400,000 into the Arrangement.

Whilst contributions have not been made strictly in accordance with the Proposal the Company has managed to reduce its overheads whilst subject to the Arrangement. The Supervisor has remained in regular communication with the Company's management and the Company is now paying at a rate of £5,000 per week after the anniversary of the Arrangement. It is expected that the CVA contributions will be caught up in the third year and ultimately prior to the end of the 64 month duration.

The Proposal provided for the following:

- Contributions to be paid into the Arrangement totalling £1,380,000.
- An estimated distribution of 69.24p in the £.
- Connected creditors will subordinate their claims to the general body of creditors.

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<sup>1</sup> Rule 2.41 of the Insolvency (England and Wales) Rules 2016 ("the Rules")

- Business critical creditors, who were primarily the surgeons undertaking the Company's operations, have been paid from the Company's trading during the Arrangement.

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## PROGRESS DURING THE PERIOD OF THIS REPORT

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The Supervisor continues to use his discretion to allow for contributions to be caught up during the course of the Arrangement.

During the Period the sum of £20,000 has been received in respect of voluntary contributions. These contributions were paid in October 2021 when the Company's trading could re-commence in accordance with government guidance at the time. Shortly thereafter, the emergence of the Omicron variant of Covid 19 meant the Company had further significant staffing issues.

The Supervisor has been in regular contact with the Company throughout the Period and can advise that, subject to any ongoing Covid 19 factors, the Company's forecasts indicate the CVA will be completed within its original timescale, however, the dates of the expected dividends to creditors will be delayed.

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## WHAT REMAINS TO BE DONE IN THE CVA

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The Supervisor will continue to monitor the situation in respect of the outstanding contributions and agree creditor's claims on an ongoing basis prior to a first dividend being declared and 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 Period.

During the Period £20,000 has been received in respect of the Company's voluntary contributions and 17 pence in bank interest.

Payments shown on the Receipts and Payments account are as follows:

- £940 in respect of the petitioning creditor's costs.
- Supervisors' bond premiums totalling £1,520. The bonds are a statutory requirement.
- Part payment of the Nominee's fee of £10,000. The Nominee's fee was agreed at £15,000.
- £14 has been paid towards travel costs.
- Legal fees totalling £5,000 for assistance in drafting the Proposal clauses in relation to the quantification of landlords' claims.
- Room hire costs of £150 for the meeting of creditors held on 31 January 2020.

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## THE ESTIMATED OUTCOME FOR CREDITORS

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### Secured creditors:

I am not aware of any creditors whose claims are secured.

### Preferential creditors:

I am not aware of any creditors whose claims are preferential.

### Unsecured creditors:

Creditor claims totalling £5,534,813 have been received to date. I believe that further claims are still yet to be received. I would encourage those creditors who have not yet proved for their debts to submit their claims to me as soon as possible. A Notice of Claim form is enclosed for that purpose.

It is expected that a total dividend of 69.24p in the £ will be paid to unsecured creditors in due course.

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## THE SUPERVISOR'S REMUNERATION, EXPENSES & DISBURSEMENTS

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The Company's Proposal set out the basis of the Supervisor's remuneration, which is to be based on time costs properly incurred, to be drawn from time to time as funds permit and at his discretion, restricted to the fee estimate of £50,000. No VAT is chargeable on the Supervisor's remuneration.

No remuneration has been drawn in the Period.

Disbursements totalling £1,684 have been paid in the Period.

In accordance with Statement of Insolvency Practice 9, attached at Appendix D is a summary of the Supervisor's time costs for the Period and, at Appendix E, to date.

The analysis for the Period shows time costs incurred of £10,955 representing 56.60 hours at an average rate of £193.55 per hour. Total time costs incurred to date amount to £19,700 representing 97.20 hours at an average rate of £202.67 per hour.

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

A Creditors Guide to Voluntary Arrangement Fees can be accessed at <https://www.r3.org.uk/technical-library/england-wales/technical-guidance/fees/more/29116/page/1/voluntary-arrangement-a-guide-for-creditors-on-insolvency-practitioner-fees/>. 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 (Amendment) (EU Exit) Regulations 2019 ("EU Exit Regulations") applies to the Company's Liquidation. 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.

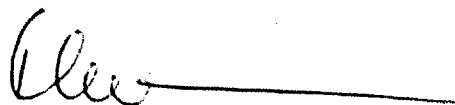
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## OTHER MATTERS

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The Supervisor is bound by the Insolvency Code of Ethics. Creditors are entitled to request details of any threats identified to compliance with the fundamental principles and safeguards applied. Any requests should be made in writing to this office.

Should creditors have any questions arising from this Progress Report they should contact David Hodgson of the Supervisor's office by email at [david.hodgson@aukerrhodesaccounting.co.uk](mailto:david.hodgson@aukerrhodesaccounting.co.uk).



**ROBERT SADLER**  
Supervisor

**MYA CLINICS LIMITED**  
**(in a Company Voluntary Arrangement)**

**THE SUPERVISOR'S SUMMARY OF RECEIPTS AND PAYMENTS FROM 31 JANUARY 2021 TO 30 JANUARY 2022**

	Statement of Affairs £	From 31/01/20 to 30/01/21 £	From 31/01/21 to 30/01/22 £	Total £
<b>RECEIPTS</b>				
Voluntary contributions	1,380,000.00	-	20,000.00	20,000.00
Bank interest	-	-	0.17	0.17
		<u>-</u>	<u>20,000.17</u>	<u>20,000.17</u>
<b>PAYMENTS</b>				
Room hire		-	150.00	150.00
Supervisor's bond		-	1,520.00	1,520.00
Petition costs		-	940.33	940.33
Nominee's fee		-	10,000.00	10,000.00
Supervisor's expenses		-	14.17	14.17
Legal fees		-	5,000.00	5,000.00
		<u>-</u>	<u>17,624.50</u>	<u>17,624.50</u>
<b>Balance</b>		<u>-</u>	<u>2,375.67</u>	<u>2,375.67</u>
<b>MADE UP AS FOLLOWS</b>				
VAT receivable				1,220.90
Bank current account				1,154.77
				<u>2,375.67</u>



## APPENDIX B

**MYA CLINICS LIMITED**  
**(in a Company Voluntary Arrangement)**

## EXPENSES INCURRED BY THE LIQUIDATOR

Expense	Supplier	Category	Incurred in the prior period from 31 January 2020 to 30 January 2021	Incurred in the current period from 31 January 2021 to 30 January 2022	Total incurred to date	Paid in the prior period from 31 January 2020 to 30 January 2021	Paid in the current period from 31 January 2021 to 30 January 2022	Total paid to date	Total outstanding to date
Supervisors' bond premiums	Insolvency Risk Solutions	Category 1	1,520.00	-	1,520.00	-	1,520.00	1,520.00	-
Petition costs	HM Revenue & Customs	Category 1	940.33	-	940.33	-	940.33	940.33	-
Legal fees	Lupton Fawcett	Category 1	5,000.00	-	5,000.00	-	5,000.00	5,000.00	-
Parking	Leeds City Council	Category 1	3.83	-	3.83	-	3.83	3.83	-
Rail fare	Transpennine Express	Category 1	10.34	-	10.34	-	10.34	10.34	-
Mileage	Auker Rhodes Accounting Limited	Category 2	184.95	-	184.95	-	-	-	184.95
Room hire	Park Square	Category 1	150.00	-	150.00	-	150.00	150.00	-
			<b>7,809.45</b>	<b>-</b>	<b>7,809.45</b>	<b>-</b>	<b>7,624.50</b>	<b>7,624.50</b>	<b>184.95</b>

## 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 45 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.

**APPENDIX D**

**MYA CLINICS LIMITED**  
**(in a Company Voluntary Arrangement)**

**TIME COST SUMMARY**  
**FOR THE PERIOD 31 JANUARY 2021 TO 30 JANUARY 2022**

<b>Classification of work</b>	<b>Officeholder</b>	<b>Manager</b>	<b>Other senior professional</b>	<b>Assistants &amp; support staff</b>	<b>Total hours</b>	<b>Time cost (£)</b>	<b>Average hourly rate (£)</b>
Case administration	7.70	24.40	0.40	-	32.50	6,865.00	211.23
Case specific matters	-	-	-	-	-	-	-
Closure	-	-	-	-	-	-	-
Creditors & shareholders	0.20	14.60	0.20	7.60	22.60	3,775.00	167.04
Employees	-	-	-	-	-	-	-
Investigations	0.30	-	0.10	-	0.40	90.00	225.00
Realisation of assets	0.10	1.40	-	-	1.50	305.00	203.33
Trading	-	-	-	-	-	-	-
<b>Total hours</b>	<b>8.30</b>	<b>40.40</b>	<b>0.70</b>	<b>7.60</b>	<b>57.00</b>	<b>11,035.00</b>	<b>193.60</b>

**Total fees drawn in the period**

**APPENDIX E**

**MYA CLINICS LIMITED**  
**(in a Company Voluntary Arrangement)**

**TOTAL TIME COST SUMMARY**  
**31 JANUARY 2020 TO 30 JANUARY 2022**

<b>Classification of work</b>	<b>Officeholder</b>	<b>Manager</b>	<b>Other senior professional</b>	<b>Assistants &amp; support staff</b>	<b>Total hours</b>	<b>Time cost (£)</b>	<b>Average hourly rate (£)</b>
Case administration	16.20	42.10	0.40	-	58.70	12,530.00	213.46
Case specific matters	0.90	-	-	-	0.90	225.00	250.00
Closure	-	-	-	-	-	-	-
Creditors & shareholders	1.30	24.20	0.40	7.60	33.50	6,015.00	179.55
Employees	-	0.70	-	-	0.70	140.00	200.00
Investigations	0.30	-	0.10	-	0.40	90.00	225.00
Realisation of assets	2.00	1.40	-	-	3.40	780.00	229.41
Trading	-	-	-	-	-	-	-
<b>Total hours</b>	<b>20.70</b>	<b>68.40</b>	<b>0.90</b>	<b>7.60</b>	<b>97.60</b>	<b>19,780.00</b>	<b>202.66</b>

**Total fees drawn**

-