

# WU07

## Notice of progress report in a winding-up by the court



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 03137644

Company name in full Claims Incorporated PLC

#### → Filling in this form

Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s) Malcolm

Surname Cohen

### 3 Liquidator's address

Building name/number 55 Baker Street

Street

Post town

London

County/Region

Postcode

W1U7EU

Country

### 4 Liquidator's name ①

Full forename(s) Robin Hamilton

Surname Davis

#### ① Other liquidator

Use this section to tell us about  
another liquidator.

### 5 Liquidator's address ①

Building name/number 66 Prescott Street

Street

Post town

London

County/Region

Postcode

E18NN

Country

#### ① Other liquidator

Use this section to tell us about  
another liquidator.

WU07

Notice of progress report in a winding-up by the court

6

Period of progress report

From date 01 08 2020  
To date 31 07 2021

7

Progress report

☒ The progress report is attached

8

Sign and date

Liquidator's signature

Signature

X 

X

Signature date

10 09 2021

## WU07

### Notice of progress report 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 **Malcolm Cohen**

Company name **BDO LLP**

Address  
**5 Temple Square  
Temple Street**

Post town  
**Liverpool**

County/Region

Postcode  
**L 2 5 R H**

Country

UK

Telephone  
**01512 374 500**



#### Checklist

**We may return forms completed incorrectly or with information missing.**

**Please make sure you have remembered the following:**

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



#### Important information

**All information on this form will appear on the public record.**



#### Where to send

**You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:**

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff



#### Further information

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

**This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)**

**Claims Incorporated PLC**  
**(In Liquidation)**  
**Liquidators' Summary of Receipts & Payments**

Statement of Affairs £	From 01/08/2020 To 31/07/2021 £	From 01/08/2014 To 31/07/2021 £
ASSET REALISATIONS		
Bank Interest Net of Tax	1.02	45.52
Insurance Refund	12,493.90	12,493.90
Petitioning creditor's costs	NIL	1,250.00
Settlement Contribution	NIL	5,000.00
	12,494.92	18,789.42
COST OF REALISATIONS		
Bank Charges	88.00	616.00
Sec. of State Ad Valorem Fees	3,844.24	6,244.24
	(3,932.24)	(6,860.24)
	<b>8,562.68</b>	<b>11,929.18</b>
REPRESENTED BY		
ISA		6,884.68
ISA Sus IB		5,044.50
		<b>11,929.18</b>

Note:



BDO LLP  
5 Temple Square  
Temple Street  
Liverpool  
L2 5RH

Telephone: 0151 237 4500  
Facsimile: 0151 237 4545



Carter Backer Winter  
66 Prescott Street  
Whitechapel  
London  
E1 8NN

Telephone : 020 7309 3800  
Facsimile : 020 7309 3802

**TO ALL KNOWN CREDITORS AND SHAREHOLDERS**

10 September 2021

Our Ref MC/OC/00245224/C2

Please ask for  
Olivia Craven  
0151 237 4652  
BRCMTLondonandSouthEast@bdo.co.uk

Dear Madams/Sirs

**Claims Incorporated PLC - In Compulsory Liquidation ('the Company')**  
**Registered number: 03137644**  
**High Court of Justice, Chancery Division No 002827 of 2014**

I set out below an annual progress report in accordance with Section 104A of the Insolvency Act 1986 ('the Act') and Rules 18.3 and 18.8 of the Insolvency (England and Wales) Rules 2016 ('the Rules'). This report covers the period from 1 August 2020 to 31 July 2021 ('the Reporting Period') and should be read in conjunction with my previous reports circulated to creditors.

**Professional information regarding the Joint Liquidators**

The Joint Liquidators are Malcolm Cohen (officeholder No: 6825) of BDO LLP ('BDO'), 55 Baker Street, London, W1U 7EU and Robin Hamilton Davis (officeholder No: 8800) of Carter Backer Winter LLP ('CBW'), 66 Prescott Street, Whitechapel, London, E1 8NN. They were appointed on 1 August 2014, following a winding up order made on 30 June 2014. The Joint Liquidators carry out their functions jointly and severally meaning any action can be done by one Liquidator or by both of them. The Joint Liquidators may also be contacted via Olivia Craven at BRCMTLondonandSouthEast@bdo.co.uk.

BDO LLP, a UK limited liability partnership registered in England and Wales under number OC305127, is a member of BDO International Limited, a UK company limited by guarantee, and forms part of the international BDO network of independent member firms. A list of members' names is open to inspection at our registered office, 55 Baker Street, London W1U 7EU. BDO LLP is authorised and regulated by the Financial Conduct Authority to conduct investment business

The Joint Liquidators are Data Controllers as defined by the General Data Protection Regulations. BDO LLP will act as Data Processor on the instruction of the Data Controllers. Personal data will be kept secure and processed only for matters relating to the Liquidation of Claims Incorporated Plc. Please see the privacy statement at <https://www.bdo.co.uk/en-gb/privacy-notice/insolvencies>

## **Receipts and Payments Account**

I attach for your information a summary of my Receipts and Payments account showing a balance in hand of £11,929 analysed to show activity in the Reporting Period compared to the whole of the Liquidation.

The receipts shown are largely self-explanatory, although I would comment specifically on the following:

### Insurance Refund

During the Reporting Period, £12,494 was received in respect of a refund of monies paid by the Company pre-appointment in relation to insurance.

## **Progress of the Liquidation**

As previously reported, the Company is associated with Claims Direct plc over which Malcolm Cohen and Robin Davis are also appointed Joint Liquidators. A settlement agreement was entered into by Claims Direct plc in relation to a claim for potentially negligent advice. The settlement sum of £262,500 was received by Claims Direct plc in January 2016. The Company was also required to enter into the same agreement for which a settlement contribution of £5,000 was paid in order to cover costs of the Liquidation.

## **Assets**

Following the realisation of the insurance settlement during the Reporting Period, the only further asset anticipated to be realised is in respect of interest accruing on those funds. Our legal advisers, Isadore Goldman, are in correspondence to recover these sums. There are no other remaining assets to be realised.

I can confirm that there are no assets of a peculiar or special nature which cannot be sold. Consequently there has been no distribution of unsold assets to creditors, as mentioned in Rules 18.10/14.13 of the Rules.

## **Future Prospects**

### Secured Creditors

As reported previously, Bibby Factors Bristol Limited hold a fixed and floating charge against the Company which was registered on 18 February 1999 and First National Bank ('FNB') has a general charge against the Company registered on 17 August 2001 and a fixed and floating charge debenture dated 17 May 2002.

The Joint Liquidators have not yet been advised of the amounts due to the secured creditors. Further enquiries would be made should realisations mean that there are sufficient funds to enable the Joint Liquidators to make a distribution, although this appears to be unlikely.

### Preferential Creditors

Preferential claims represent monies due to the former employees in respect of certain arrears of wages (capped at £800 per employee), and accrued holiday pay and certain pension arrears.

The Joint Liquidators are not aware of any preferential creditors in this Liquidation.

#### Unsecured Creditors

Unsecured creditor claims totalling £105,258, have been received to date. Any distribution to unsecured creditors will be dependent on the level of realisations, costs and secured creditor claims in the Liquidation. Unfortunately, a distribution to the unsecured creditors appears unlikely based on current information.

#### Prescribed Part

Under Section 176A of the Insolvency Act 1986 where after 15 September 2003 a company has granted a floating charge to a secured creditor, a proportion of the net property of that company must be made available purely for the unsecured creditors.

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

#### **Investigations**

As this is a Compulsory Liquidation, the duty to investigate the affairs of the Company and also the conduct of the directors remains with the Official Receiver.

if any creditor believes that they may have any information that would assist the Official Receiver in their enquiries, they should write to the Official Receiver at 4<sup>th</sup> Floor, Cannon House, 18 Priory Queensway, Birmingham, B4 6FD.

#### **Joint Liquidators' Remuneration**

Pursuant to the Rules, the Joint Liquidators are obliged to fix their remuneration in accordance with Rule 18.16. This permits remuneration to be fixed either:

- (1) as a percentage of the assets realised and distributed; and/or
- (2) by reference to the time the Joint Liquidators and the staff have spent attending to matters in the Liquidation as set out in the fees estimate; and/or
- (3) as a set amount; and/or
- (4) as a combination of the above.

To date, the Joint Liquidators have drawn no fees in respect of remuneration, as shown on the enclosed Receipts and Payments account. As reported previously, creditors should note that no approval is required to draw the sum of up to £5,000 as these were third party funds specifically paid for the purpose of meeting our fees. Should there be future realisations then the Joint Liquidators will seek approval from the relevant body of creditors to draw their costs on a time cost basis.

BDO LLP changed time recording systems with effect from 17 April 2021. I therefore attach five detailed reports of the time incurred by the Joint Liquidators for the periods:

1. BDO time costs for 1 August 2020 to 16 April 2021
2. BDO time costs for 17 April 2021 to 31 July 2021
3. BDO time costs for 1 August 2014 to 16 April 2021
4. CBW time costs for 1 August 2020 to 31 July 2021
5. CBW time costs for 1 August 2014 to 31 July 2021

The first and second reports read in conjunction cover the total time incurred by BDO in the Reporting Period. The second and third reports read in conjunction cover the total time incurred by BDO during the whole period of the Liquidation.

BDO's time costs incurred during the Reporting Period amount to £4,312, representing 24 hours spent at an average hourly rate of £180 per hour.

BDO's time costs incurred during the whole period of the Liquidation amount to £31,339, representing 149 hours spent at an average hourly rate of £210 per hour.

CBW's time costs incurred in the Reporting Period amount to £2,547, representing 17 hours spent at an average hourly rate of £150 per hour.

CBW's time costs incurred in the Liquidation since the date of appointment amount to £11,729, representing 86 hours spent at an average hourly rate of £137 per hour.

For guidance, I attach two documents that outline the policies of BDO LLP and CBW LLP in respect of fees and expenses.

#### **Joint Liquidators' Expenses**

Expenses have been incurred and paid in this Liquidation as detailed below.

<b>BDO LLP - Expenses</b>	<b>Incurred in Reporting Period £</b>	<b>Incurred cumulatively £</b>	<b>Paid in the Reporting Period £</b>	<b>Paid cumulatively £</b>
Bank Charges	88.00	616.00	88.00	616.00
Secretary of State Ad Valorem fees	3,844.24	6,244.24	3,844.24	6,244.24
Statutory Advertising	-	247.15	-	-
Statutory Bonding	-	30.00	-	-
Stationary & Postage Costs	-	1,806.57	-	-
Couriers	-	17.54	-	-
PPS	-	385.00	-	-

The expenses shown are self-explanatory.



## **Creditors' rights**

I provide at the end of this report an extract from the Rules setting out the rights of creditors to request further information and/or challenge the remuneration or expenses within the Liquidation.

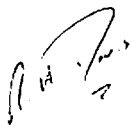
Creditors may access information setting out creditors' rights in respect of the approval of the Joint Liquidators' remuneration and on the rights, duties and functions of a liquidation committee at <https://www.bdo.co.uk/en-gb/insights/advisory/business-restructuring/creditors-guides>.

The Joint Liquidators are bound by the Insolvency Code of Ethics when carrying out all professional work relating to this appointment. A copy of the code can be found at: <https://www.icaew.com/technical/ethics/icaew-code-of-ethics/icaew-code-of-ethics>.

The Insolvency Service has established a central gateway for considering complaints in respect of Insolvency practitioners. In the event that you make a complaint to me but are not satisfied with the response from me then you should visit <https://www.gov.uk/complain-about-insolvency-practitioner> where you will find further information on how you may pursue the complaint.

If you require any further information, please do not hesitate to contact me or my colleague Olivia Craven at [BRCMTLondonandSouthEast@bdo.co.uk](mailto:BRCMTLondonandSouthEast@bdo.co.uk).

Yours faithfully  
For and on behalf of  
Claims Incorporated PLC



Robin Davis  
Joint Liquidator  
Authorised by the Institute of Chartered  
Accountants in England & Wales in the UK



Malcolm Cohen  
Joint Liquidator  
Authorised by the Institute of Chartered  
Accountants in England & Wales in the UK

## **Enclosures**

Receipts and Payments Account  
BDO LLP SIP 9 Time Cost Report for the period 1 August 2020 to 16 April 2021  
BDO LLP SIP 9 Time Cost Report for the period 17 April 2021 to 31 July 2021  
BDO LLP SIP 9 Time Cost Report for the period 1 August 2014 to 16 April 2021  
Carter Backer Winter LLP Time Cost Report for the Reporting Period  
Carter Backer Winter LLP Time Cost Report for the period of Liquidation  
BDO LLP Policy in Respect of Fees and Disbursements  
Carter Backer Winter LLP Time Cost Charge out Rates  
Statement of Creditors' Rights in respect of Fees and Disbursements

**Claims Incorporated PLC**  
**(In Liquidation)**  
**Liquidators' Summary of Receipts & Payments**

Statement of Affairs £	From 01/08/2020 To 31/07/2021 £	From 01/08/2014 To 31/07/2021 £
ASSET REALISATIONS		
Bank Interest Net of Tax	1.02	45.52
Insurance Refund	12,493.90	12,493.90
Petitioning creditor's costs	NIL	1,250.00
Settlement Contribution	NIL	5,000.00
	12,494.92	18,789.42
COST OF REALISATIONS		
Bank Charges	88.00	616.00
Sec. of State Ad Valorem Fees	3,844.24	6,244.24
	(3,932.24)	(6,860.24)
	<b>8,562.68</b>	<b>11,929.18</b>
REPRESENTED BY		
ISA		6,884.68
ISA Sus IB		5,044.50
		<b>11,929.18</b>

Note:

## Summary of Time Charged and Rates Applicable for the Period From 01/08/2020 to 16/04/2021

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV RT £
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	
D. General Administration			0.35	198.25	0.15	22.65			10.10	1,045.20	1.00	74.00	11.60	1,340.10	115.5
E. Assets Realisation/Dealing			2.00	1,322.00									2.00	1,322.00	661.0
I. Reporting			1.00	542.00	1.30	170.30			5.30	608.95			7.60	1,321.25	173.8
K. Work			0.15	14.10									0.15	14.10	94.0
	0.00	0.00	3.50	2,076.35	1.45	192.95	0.00	0.00	15.40	1,654.15	1.00	74.00			

## Net Total

Secretarial Expense

Other Disbursements

Billed

Grand Total

21.35	3,997.45
0.00	
0.00	
0.00	
3,997.45	

Name of Assignment                      Claims Incorporated Plc - 00245224

Summary of time charged between 17 April 2021 and 31 July 2021

Activity	Partner	Director	Senior Manager	Manager	Senior Executive	Executive	Total hours	Time Costs £	Av. Rate £/h
GENERAL ADMINISTRATION					1.00	1.80	2.80	315.00	112.50
Total					1.00	1.80	2.80	315.00	112.50



Claims Incorporated Plc - in Compulsory Liquidation

Time and Charge Out Summary for the period from 1 August 2020 to 31 July 2021

Hours

	Partner / Director	Manager	Assistant Manager	Administrator	Assistant & Support	Total Hours	Total Costs	Average Hourly Rate
<b>Administration and Planning</b>								
Case Administration and Planning	0.00	0.20	0.00	3.03	0.42	3.65	£309.00	£84.66
Cashiering	0.00	0.90	0.30	2.00	2.50	5.70	£396.00	£69.47
Compliance	0.00	0.00	0.00	0.67	0.00	0.67	£0.00	£0.00
Report Preparation & Review	0.00	0.00	0.70	0.00	0.00	0.70	£280.00	£400.00
Review	1.25	0.00	0.60	4.20	0.00	6.05	£1,473.50	£243.55
Taxation	0.00	0.20	0.00	0.00	0.00	0.20	£88.00	£440.00
	<b>1.25</b>	<b>1.30</b>	<b>1.60</b>	<b>9.90</b>	<b>2.92</b>	<b>16.97</b>	<b>£2,546.50</b>	<b>£150.09</b>
<b>Cost Per Employee Category</b>	<b>£687.50</b>	<b>£572.00</b>	<b>£520.00</b>	<b>£767.00</b>	<b>£0.00</b>		<b>£2,546.50</b>	

Disbursements for the Period	£
<b>Total</b>	<b>0.00</b>

**Claims Incorporated Plc - in Compulsory Liquidation**

**Time and Charge Out Summary for the period from 1 August 2014 to 31 July 2021**

**Hours**

	Partner / Director	Manager	Assistant Manager	Administrator	Assistant & Support	Total Hours	Total Costs	Average Hourly Rate
<b>Administration and Planning</b>								
Case Administration and Planning	0.50	0.60	0.00	14.03	15.00	30.13	£4,204.00	£139.51
Cashiering	0.75	0.90	0.30	2.00	24.80	28.75	£763.50	£26.56
Closing	0.00	0.00	0.00	0.50	0.00	0.50	£126.00	£252.00
Compliance	0.00	0.00	0.00	0.87	0.00	0.87	£25.00	£28.85
Report Preparation & Review	0.00	0.00	0.90	3.80	0.00	4.70	£1,223.50	£260.32
Review	1.50	1.00	1.30	11.40	0.40	15.60	£4,068.50	£260.80
Taxation	0.00	0.20	0.20	0.80	0.00	1.20	£375.00	£312.50
<b>Creditors</b>								
Creditors' Claims	0.00	0.00	0.00	1.50	0.00	1.50	£330.00	£220.00
<b>Realisation of Assets</b>								
General Realisation of Assets	0.00	0.00	0.00	1.90	0.00	1.90	£488.00	£256.84
Debtor Realisations	0.00	0.00	0.00	0.50	0.00	0.50	£125.00	£250.00
	<b>2.75</b>	<b>2.70</b>	<b>2.70</b>	<b>37.30</b>	<b>40.20</b>	<b>85.65</b>	<b>£11,728.50</b>	<b>£136.94</b>
<b>Cost Per Employee Category</b>	<b>£1,422.50</b>	<b>£1,188.00</b>	<b>£960.00</b>	<b>£7,418.00</b>	<b>£740.00</b>		<b>£11,728.50</b>	

Disbursements for the Period	£
Advertising	74.25
Couriers	17.54
Insolvency Bond	20.00
pps	385.00
<b>Total</b>	<b>496.79</b>



## Claims Incorporated PLC - In Liquidation

In accordance with best practice I provide below details of policies of BDO LLP in respect of fees and expenses for work in relation to the above Company.

The current charge out rates per hour of staff within my firm who may be involved in working on this case are:

GRADE	£
Partner	812
Director	340-681
Senior Manager	284-568
Manager	156-414
Senior Executive	124-290
Executive	76-151

This in no way implies that staff at all such grades will work on the case. The rates charged by BDO LLP are reviewed periodically and are adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case and the nature of the work undertaken is recorded at that time. Units of time can be as small as 3 minutes. BDO LLP records time for this case under the following categories:-

Pre Appointment  
Steps on Appointment  
Planning and Strategy  
General Administration  
Asset Realisation/Management  
Trading Related Matters  
Employee Matters  
Creditor Claims  
Reporting  
Distribution and Closure.

Under each of the above categories the work is recorded in greater detail in sub categories. Please note that the 10 categories provide greater detail than the six categories recommended by the Recognised Professional Bodies who are responsible for licensing and monitoring insolvency practitioners.

Where an officeholder's remuneration is approved on a time cost basis the time invoiced to the case will be subject to VAT at the prevailing rate.

Where remuneration has been approved on a time costs basis a periodic report will be provided to any committee appointed by the creditors or in the absence of a committee to the creditors. The report will provide a breakdown of the remuneration drawn and will enable the recipients to see the average rates of such costs.



## **Expenses**

Expenses including disbursements (costs incurred in the case which have been paid by the firm and are recharged to the estate) can be divided into two categories.

### **1) Category 1 expenses**

These are expenses relating directly to the estate incurred by an independent third party. In addition to professional fees and expenses, such expenses may include items such as bonding, advertising, insurance, external printing and postage costs, couriers, travel (by public transport), company and land registry searches, fees in respect of swearing legal documents and storage of the Company's records.

Creditor approval is not required to pay category 1 expenses.

### **2) Category 2 expenses**

These are expenses relating directly to the estate which have been incurred by an associated party or which have an element of shared costs.

We propose to recover from the estate the cost of travel where staff use either their own vehicles or company cars in travelling connected with the Company. In these cases a charge of 45p per mile is raised which is in line with the HM Revenue & Customs Approved Mileage Rates (median - less than 10,000 miles per annum) which is the amount the firm pays to staff.

Creditor approval is required to pay category 2 expenses from the estate.

Where applicable, expenses will be subject to VAT at the prevailing rate.



## CARTER BACKER WINTER LLP ("CBW")

### CORPORATE RECOVERY AND INSOLVENCY DEPARTMENT INSOLVENCY APPOINTMENTS

#### TIME COST CHARGE-OUT RATES FROM 1 JULY 2020

	£ Per Hour
Partners	550
Directors	550
Managers	440
Assistant Managers	400
Senior Administrators	390
Administrators	260
Junior Administrators	130-250
Cashier	0
Support Staff	0-190

*Work undertaken on cases is recorded in 6 minute units utilising time-recording software.*

*Time properly incurred on insolvency cases is charged at the hourly rate of the grade of staff undertaking the work that applies at the time the work is done. CBW's charge-out rates change from time to time.*

#### EXPENSES

Expenses are any payments from the insolvent estate that are neither an office holder's remuneration nor a distribution to a creditor, or a member. Expenses also include disbursements. Disbursements are payments that are first paid by the office holder and then reimbursed from the insolvent estate. Expenses are divided into those that do not need approval before they are charged to the estate (Category 1) and those that do (Category 2).

Category 1 expenses are payments to persons providing the service to which the expense relates who are not an associate of the office holder. They can be paid by the office holder without obtaining prior approval. . Examples of costs that may amount to Category 1 expenses are professional advisors (who are not associates), statutory advertising, external meeting room hire (where the room is only hired for that meeting), external storage, specific penalty bond insurance, insolvency case management software fees charged on a per case basis, and Company search fees.

Category 2 expenses are either payments to associates, or payments in respect of expenses that have an element of shared costs, such as photocopying and mileage. Category 2 expenses require approval in the same manner as an office holder's remuneration before they can be paid.'

The practice does not propose to recover any Category 2 expenses that include an element of shared costs.

#### PROFESSIONAL ADVISORS

Professional advisors may be instructed to assist the office holder on the case where they consider that such assistance is necessary to enable them to appropriately administer the case. The fees charged by any professional advisors used will be recharged at cost to the case. Where the professional advisor is not an associate of the office holder it will be for the office holder to agree the basis of their fees. Where the professional advisor is an associate of the office holder it will be for those responsible for fixing the basis of the office holder's remuneration to approve payments to them. The fees of any professional advisors are subject to the rights of creditors to seek further information about them or challenge them as summarised below. Professional advisors that may be instructed on a case include:

- Solicitors/Legal Advisors;
- Auctioneers/Valuers;
- Accountants;
- Quantity Surveyors;
- Estate Agents;
- Pension specialists;
- Employment Claims specialists; and
- GDPR/Cyber Security specialists.

**Statement from the Insolvency (England and Wales) Rules 2016 regarding the rights of creditors in respect of the Joint Liquidators' fees and expenses:**

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

**18.9.**—(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).

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

**18.34.**—(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

- (a) the remuneration charged by the office-holder is in all the circumstances excessive;
  - (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
  - (c) the expenses incurred by the office-holder are in all the circumstances excessive.
- (2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—
- (a) a secured creditor,
  - (b) an unsecured creditor with either—
    - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
    - (ii) the permission of the court, or
  - (c) in a members' voluntary winding up—
    - (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or

(ii) a member of the company with the permission of the court.

(3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question (“the relevant report”).

#### **Applications under rules 18.34 and 18.35 where the court has given permission for the application**

**18.36.**—(1) This rule applies to applications made with permission under rules 18.34 and 18.35.

(2) Where the court has given permission, it must fix a venue for the application to be heard.

(3) The applicant must, at least 14 days before the hearing, deliver to the office-holder a notice stating the venue and accompanied by a copy of the application and of any evidence on which the applicant intends to rely.

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the office-holder is entitled to charge;

(b) an order reducing any fixed rate or amount;

(c) an order changing the basis of remuneration;

(d) an order that some or all of the remuneration or expenses in question is not to be treated as expenses of the administration, winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the administrator or liquidator or the administrator’s or liquidator’s personal representative to the company, or

(ii) the trustee or the trustee’s personal representative to such person as the court may specify as property comprised in the bankrupt’s estate;

(f) any other order that it thinks just.

(5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.

(6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration, winding up or bankruptcy.

#### **Applications under rule 18.34 where the court’s permission is not required for the application**

**18.37.**—(1) On receipt of an application under rule 18.34 for which the court’s permission is not required, the court may, if it is satisfied that no sufficient cause is shown for the application, dismiss it without giving notice to any party other than the applicant.

(2) Unless the application is dismissed, the court must fix a venue for it to be heard.

(3) The applicant must, at least 14 days before any hearing, deliver to the office-holder a notice stating the venue with a copy of the application and of any evidence on which the applicant intends to rely.

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the office-holder is entitled to charge;

(b) an order reducing any fixed rate or amount;

(c) an order changing the basis of remuneration;

(d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration or winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the administrator or liquidator or the administrator’s or liquidator’s personal representative to the company, or

(ii) the trustee or the trustee’s personal representative to such person as the court may specify as property comprised in the bankrupt’s estate;

(f) any other order that it thinks just.

(5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.

(6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration or as winding up or bankruptcy.