

Liquidator's Progress Report

S.192

Pursuant to Sections 92A and 104A and 192 of the Insolvency Act 1986

To the Registrar of Companies

Company Number

1906342

Name of Company

UCS Plant Limited (in admin rec and liquidation)

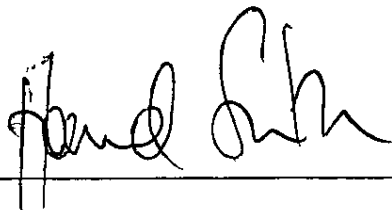
I / We
Howard Smith
1 The Embankment
Neville St
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LS1 4DW

Mark Granville Firmin
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the liquidator(s) of the company attach a copy of my/our Progress Report under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 21/12/2011 to 20/12/2012

Signed



Date

KPMG LLP
1 The Embankment
Neville St
Leeds
LS1 4DW

Ref UBB28D5310/LL/JM/SR

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COMPANIES HOUSE

UCS Plant Limited (in admin rec and liquidation)
(In Liquidation)
Liquidators' Abstract of Receipts & Payments

Statement of Affairs	From 21/12/2011 To 20/12/2012
ASSET REALISATIONS	
490,000 00 Funds from PricewaterhouseCoopers	123,003 05
	<u>123,003 05</u>
OTHER REALISATIONS	
Bank interest, gross	277 75
Bank interest, net	4 60
	<u>282 35</u>
COST OF REALISATIONS	
Statement of affairs work	2,000 00
Fee for convening s98 meeting	8,000 00
Liquidators' fees	50,000 00
Legal fees	11,325 00
Consultants Fees	1,000 00
Statutory advertising	153 00
	<u>(72,478 00)</u>
UNSECURED CREDITORS	
(239,075 00) Trade & expense	NIL
(108,812 00) Redundancy Payments Office	NIL
(41,632 00) HP & Finance creditors	NIL
(228,019 00) PAYE/NIC	NIL
(87,328 00) Non-preferential VAT	NIL
	<u>NIL</u>
DISTRIBUTIONS	
(331,860 00) Ordinary shareholders	NIL
	<u>NIL</u>
(546,726.00)	<u><u>50,807.40</u></u>
REPRESENTED BY	
VAT receivable	14,495 60
Current account	40,117 40
Floating ch VAT control	(3,805 60)
	<u><u>50,807 40</u></u>



UCS Plant Limited
(in administrative receivership and
liquidation) (“the Company”)
Annual Report
to creditors pursuant to Section 104A of
the Insolvency Act 1986

KPMG LLP

23 January 2013

This report contains 17 Pages



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About this report

This annual report has been prepared by Howard Smith of KPMG LLP and Mark Firmin of KPMG LLP, the Joint Liquidators of UCS Plant Limited ("the Company"), solely to comply with their statutory duty to report to members and creditors under Section 104A of the Insolvency Act 1986, and to provide an account of their acts and dealings and of the conduct of the Liquidation, and for no other purpose. It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context.

This report has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in the Company.

Any estimated outcomes for creditors included in this report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for individual creditors.

Any person that chooses to rely on this report for any purpose or in any context other than under the Insolvency Act and Rules 1986 (as amended) does so at their own risk. To the fullest extent permitted by law, the office holders do not assume any responsibility and will not accept any liability in respect of this report.

Howard Smith is authorised to act as an insolvency practitioner by the Insolvency Practitioners Association. Mark Firmin is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in England and Wales.

The appointments of the Joint Liquidators are personal to them and, to the fullest extent permitted by law, KPMG LLP do not assume any responsibility and will not accept any liability to any person in respect of this report or the conduct of the Liquidation.

Please note that unless stated otherwise, all amounts in this report and appendices are stated net of VAT.



1 Executive Summary

I was appointed Joint Liquidator of the Company together with Mark Firmin at the meetings of Company's members and creditors held on 21 December 2011

In accordance with Section 104A of the Insolvency Act 1986, I set out below my report on the progress of the liquidation. This report covers the 12 month period from the date of our appointment being 21 December 2011 to 20 December 2012

To date total receipts of £123,285 have been received during the liquidation

Full details of the progress of the liquidation are detailed below with all the relevant statutory information included by way of Appendices (see Sections 3 and 4 - Comments on the Appendices and the Appendices)

1.1 Office Holders

Joint Liquidator – Howard Smith

Joint Liquidator – Mark Firmin



2 Progress to date

2.1 Strategy

The Company previously operated as a hirer of plant and equipment. At the time of its insolvency the Company was one of three operating subsidiaries of construction services group Rand Group Ltd ("The Group"), the others being UCS Civils Ltd (a civil engineering contractor) and Rand Training Ltd (a vocational training provider and health and safety consultancy).

In 2009 adverse market conditions caused significant cash flow difficulties within the Group. The Group entered discussions with a number of parties with a view to seeking investment. However, this was unsuccessful and following the cancellation of overdraft facilities by the Group's bankers, the Group was unable to continue trading.

Administrative Receivers from PricewaterhouseCoopers LLP were appointed on 9 November 2009 to Rand Group Ltd, UCS Civils Ltd and the Company by Yorkshire Bank under its pre Enterprise Act debentures over each of those companies.

Under insolvency legislation, Administrative Receivers are not permitted to make distributions to unsecured creditors of a company. The Administrative Receivers informed the Company's Directors that there would be sufficient funds, after payment of secured and preferential creditors and the costs of the Administrative Receivership, to enable a dividend to be paid to unsecured creditors.

On 6 December 2011 the Directors of the Company resolved that KPMG LLP be instructed to assist the Directors in convening the statutory meetings of members and creditors in accordance with Section 98 of the Insolvency Act 1986. Howard Smith and Mark Firmin of KPMG LLP were subsequently appointed Liquidators of the Company on 21 December 2011.

The Joint Liquidators' duties to date have been to realise the Company's assets, being the surplus funds from the Administrative Receivership, agree the claims of unsecured creditors and to submit a report to the Department for Business, Innovation and Skills regarding the affairs of the Company.

2.2 Communication

The Joint Liquidators wrote to all known creditors on 21 December 2011 advising them of their appointment and of the resolutions passed at the Section 98 Meeting of creditors. A copy of the Director's Report on the Company's history and Statement of Affairs, which had been presented at the meeting of creditors was also circulated.

2.3 Assets

2.3.1 Receivership Surplus

To date the sum of £123,003 has been paid across to the Liquidators from the Administrative Receivers, PricewaterhouseCoopers LLP. The Administrative Receivers have indicated that the total cash surplus that will be available to the Liquidators will be approximately £490,000 based upon a funds marshalling exercise conducted by the Administrative Receivers on the insolvent companies within the Group.



PricewaterhouseCoopers have advised that there are a few issues that need to be resolved before the balance of funds will be paid over but that they do not expect there to be any significant change to the value of the surplus funds available.

2.3 2 Other realisations

Bank interest totalling £282 has been received during the period

2.4 Liabilities

2.4 1 Secured and preferential creditors

All secured and preferential creditors were repaid in the Administrative Receivership and therefore no distribution will be made to these classes of creditors in the Liquidation

2 4 2 Unsecured creditors

The Joint Liquidators intend to make a first and final distribution to the unsecured creditors, although the quantum and timing of the dividend will depend upon the surplus funds available from the Administrative Receivers

The Joint Liquidators are in the process of finalising the agreement of unsecured claims and would expect to be in a position to issue a Notice of Intended Dividend within the next few months

2.5 Expenses for the period

The receipts and payments for the period are set out in the attached Receipts and Payments Account (see Appendix 2)

The office holders' time costs for the period of this report are also attached (see Appendix 3)

The statutory provisions relating to remuneration are set out in Rule 4 127 of the Insolvency Rules 1986 A creditors' guide to fees can be found at

http://www.r3.org.uk/media/documents/publications/professional/Guide_to_Liquidators_Fees_No_v20111.pdf

However, if you are unable to access this guide and would like a copy, please contact Kate McGeough on 0113 231 3365

Since our appointment to 20 December 2012, we have incurred time costs of £78,085 75 representing 310 9 hours at an average rate of £251 16 per hour This includes the Tax, VAT, Employee, Health and Safety and Pensions advice from KPMG LLP in-house specialists

A detailed breakdown of the charge out rates for the duration of the Liquidation is included in Appendix 3 to this Report

Please note that all staff who have worked on this assignment, including cashiers and secretarial staff have charged time directly to the assignment and are included in the analysis of time spent The cost of staff employed in central administration functions is not charged directly to this assignment but is reflected in the general level of the charge out rates



At the meeting of creditors held on 21 December 2011, the following resolutions were passed in relation to the Joint Liquidators' remuneration

"That the remuneration of the Joint Liquidators be fixed on the basis of time properly spent by the Joint Liquidators and their staff in attending to matters arising in the liquidation at KPMG LLP standard charge out rates, which may vary To be drawn on account from time to time Also that the Joint Liquidators be entitled to draw disbursements properly incurred from time to time as funds allow" and

"That the Liquidators be entitled to draw £8,000 plus VAT and disbursements being the fees incurred in the convening and preparation for the meetings of members and creditors"

The Joint Liquidators have drawn £50,000 in fees during the period covered by the report In addition the Joint Liquidators have drawn fees of £8,000 in respect of costs incurred in convening and preparation for the meetings of members and creditors No disbursements have been incurred to date

Additional information about the expenses charged in the period is available from the office holder upon request by any secured creditor, and any other creditor or creditors owed 5% or more in value of the unsecured liabilities listed Full details of the process to obtain more information under Rule 4 49E Insolvency Rules 1986 and to challenge the Joint Liquidator's remuneration and expenses under Rule 4 131 Insolvency Rules 1986 are included in Appendix 4 should creditors wish to do so

3 Comments on the Appendices

3.1 Appendix 1: Statutory Information

3.2 Appendix 2: Receipts & payments account for the period

Receipts

Please see Section 2 3 for comments on the receipts during the period

Payments

3 2.1 Legal fees and disbursements

The Joint Liquidators instructed Lupton Fawcett LLP to assist the Joint Liquidators with the following matters

- Review of the indemnity document between the Administrative Receivers and Joint Liquidators which was required before any Receivership surplus monies could be paid across,
- Providing advice to the Joint Liquidators in relation to the funds marshalling exercise conducted by the Administrative Receivers and the calculation of surplus funds available from the Receivership, and



- General advice in the Liquidation

Legal fees totalling £11,325 have been paid to Lupton Fawcett during the period

3.2.2 Statement of affairs work

FDYL Limited accountants were instructed to prepare the Company's statement of affairs and were paid £2,000 plus VAT for this exercise. These costs were approved by creditors at the meeting held on 21 December 2011.

3.2.3 Consultant's fees

The Company's former Finance Director, Neil Muffitt provided assistance to the Joint Liquidators in reviewing the Administrative Receivers calculations of the share of the Receivership surplus available to the Company. Mr Muffitt has been paid £1,000 for this advice.

3.2.4 Liquidators' fees

As mentioned in Section 2.5 above, £50,000 has been paid to KPMG LLP in respect of Liquidators' fees.

3.2.5 Convening fees

As mentioned in Section 2.5 above, £8,000 has been paid to KPMG LLP in respect of fees incurred in the convening and preparation for the meetings of members and creditors.

3.2.6 Other payments

£153 has been paid in respect of costs incurred in advertising the convened Section 98 meeting of creditors.

3.3 Analysis of office holders' time costs

3.3.1 Appointment and related formalities

Following the appointment of the Joint Liquidators, time costs of £4,245 (14.2 hours) have been incurred in relation to notifying all relevant parties of the appointment, instructing solicitors and dealing with all other matters arising which were relevant to the set up of the Liquidation.

3.3.2 Checklists and reviews

Time costs of £7,619 representing (24.6 hours) have been incurred with regard to internal compliance matters and ensuring all statutory obligations of the Liquidators have been complied with.

3.3.3 Agreement of unsecured creditor claims

To date time costs of £25,776 (131.9 hours) have been incurred in relation to agreeing the unsecured creditors' claims. As mentioned under Section 2.4.2 above, this process is nearing completion.

3.3.4 Strategy documents

Time costs of £6,381 (17.9 hours) have been incurred in relation to formulating the strategy for the Liquidation, which has included liaison with the Administrative Receivers and Lupton Fawcett LLP with regard to the value of the Receivership surplus.



3.3.5 Post appointment Corporation Tax matters

In order to help minimise any unsecured Crown claim for Corporation Tax, as a result of assets realised by the Administrative Receivers after trade ceased, the Joint Liquidators have self-assessed the tax position for the pre-Liquidation period with the assistance of in-house tax specialists. This has been submitted to HMRC.

Time costs of £6,617 (18 hours) have been incurred during the period with respect to this work undertaken.

3.3.6 Investigation

The Joint Liquidators have conducted their investigations, prepared and submitted their report on the affairs of the Company and the conduct of the Director and this has been submitted to the Department for Business, Innovation and Skills.

Time costs of £9,021 (32.7 hours) have been incurred in relation to this matter.

3.4 Expenses for the period

Expenses for the period are summarised in Appendix 4 which include the time costs as analysed in Appendix 3.



4 Appendix 1

4.1 Statutory Information

Appointment	
For period	21 December 2011 to 20 December 2012
Company name	UCS Plant Limited
Nature of business	Plant Hire
Date of appointment	21 December 2011
Office holder details	<p>Howard Smith was appointed on 21 December 2011 as Joint Liquidator by the Company's members and creditors and is authorised to act as an insolvency practitioner by the Insolvency Practitioners Association</p> <p>Mark Granville Firmin was appointed on 21 December 2011 as Joint Liquidator by the Company's members and creditors and is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in England & Wales</p>
Registered number	1906342
Present registered office	KPMG LLP 1 The Embankment Neville Street Leeds LS1 4DW
Previous registered office	Rand Lincolnshire LN8 5NJ
Basis of remuneration	Time costs
Fee resolution date	21 December 2011
Application of EC Regulations	EC Regulations apply and these proceedings will be the Main Proceedings as defined in Article 3 of the EC Regulations



5 Appendix 2

5.1 Office holders' receipts and payments account

UCS Plant Limited (in admin rec and liquidation) (In Liquidation) Liquidators' Abstract of Receipts & Payments			
Statement of Affairs		From 21/12/2011 To 20/12/2012	From 21/12/2011 To 20/12/2012
	ASSET REALISATIONS		
490,000.00	Funds from PricewaterhouseCoopers	123,003.05	123,003.05
		123,003.05	123,003.05
	OTHER REALISATIONS		
	Bank interest, gross	277.75	277.75
	Bank interest, net	4.60	4.60
		282.35	282.35
	COST OF REALISATIONS		
	Statement of affairs work	2,000.00	2,000.00
	Fee for convening s98 meeting	8,000.00	8,000.00
	Liquidators' fees	50,000.00	50,000.00
	Legal fees	11,325.00	11,325.00
	Consultants Fees	1,000.00	1,000.00
	Statutory advertising	153.00	153.00
		(72,478.00)	(72,478.00)
	UNSECURED CREDITORS		
(239,075.00)	Trade & expense	NIL	NIL
(108,812.00)	Redundancy Payments Office	NIL	NIL
(41,632.00)	HP & Finance creditors	NIL	NIL
(228,019.00)	PAYE/NIC	NIL	NIL
(87,328.00)	Non-preferential VAT	NIL	NIL
		NIL	NIL
	DISTRIBUTIONS		
(331,860.00)	Ordinary shareholders	NIL	NIL
		NIL	NIL
<u>(546,726.00)</u>		<u>50,807.40</u>	<u>50,807.40</u>
	REPRESENTED BY		
	VAT receivable		14,495.60
	Current account		40,117.40
	Floating ch. VAT control		(3,805.60)
			<u>50,807.40</u>



6 Appendix 3

6.1 Analysis of office holders' time costs for the period 21 December 2011 to 20 December 2012

21/12/2011 to 20/12/2012

	Partner / Director	Manager	Administrator	Support	Total hours	Time cost	Average hourly rate
Administration & planning							
Cashiering							
General (Cashiering)	1 00		2 30		3 30	£964 00	£292 12
Reconciliations (& IPS accounting reviews)			1 00		1 00	£217 00	£217 00
General							
Books and records			4 20		4 20	£1 008 00	£240 00
Fees and WIP	0 30	2 50	0 50		3 30	£1 120 50	£339 55
Other office holders		2 10	5 00		7 10	£1 924 50	£271 06
Statutory and compliance							
Appointment and related formalities	2 50	4 10	7 60		14 20	£4,245 50	£298 98
Checklist & reviews	1 60	10 50	12 50		24 60	£7,619 00	£309 72
Pre-appointment checks	0 50				0 50	£230 00	£460 00
Strategy documents	2 50	14 20	1 20		17 90	£6,381 50	£356 51
Tax							
Initial reviews - CT and VAT		7 50	1 75		9 25	£3 039 75	£328 62
Post appointment corporation tax	1 10	16 70	0 20		18 00	£6 617 00	£367 61
Post appointment VAT	0 20	2 10	3 00		5 30	£1 341 50	£253 11
Creditors							
Creditors and claims							
Agreement of unsecured claims		13 90	118 00		131 90	£25 776 50	£195 42
General correspondence		0 90	10 50		11 40	£2 218 00	£194 56
Notification of appointment			0 60		0 60	£105 00	£175 00
Payment of dividends			1 00		1 00	£185 00	£185 00
Employees							
Agreeing employee claims		0 20			0 20	£69 00	£345 00
Pension funds	0 60		1 70		2 30	£573 50	£249 35
Pensions reviews		2 10	11 90		14 00	£2 934 00	£209 57
Investigation							
Directors							
Correspondence with directors			0 70		0 70	£122 50	£175 00
D form drafting and submission		6 60	14 00	0 25	20 85	£5 664 50	£271 68
Directors questionnaire / checklist	2 60		3 40		6 00	£1 986 00	£331 00
Investigations							
Review of pre appt transactions			5 20		5 20	£1,248 00	£240 00
Realisation of assets							
Asset Realisation							
Cash and investments		1 90	3 70		5 60	£1 543 50	£275 63
Other assets	1 60		0 90		2 50	£952 00	£380 80
Total in period					310 90	£78 085 75	£251 16



6.2 Liquidators' charge out rates for the period 21 December 2011 to 20 December 2012

Grade	To 30 September 2012 £/hr	From 1 October 2012 £/hr
Partner	535	565
Associate Partner	460	485
Director	460	485
Senior Manager	425	450
Manager	345	365
Senior Administrator	240	185
Administrator	175	185
Support	110	115

	KPMG LLP Corporation Tax Team	KPMG LLP Pensions Team	KPMG LLP CCS Team
Grade	From 1 July 2010 £/hr	From 1 July 2010 £/hr	From 1 July 2010 £/hr
Partner	725	725	700
Associate Partner	635	635	640
Director	635	635	640
Senior Manager	525	525	550
Manager	420	420	450
Senior Administrator	305	305	310
Administrator	230	230	225
Support	120	120	180
Work Experience	40	40	70



7 Appendix 4

7.1 Schedule of expenses for the period 21 December 2011 to 20 December 2012

Account	Accrued £	Paid £	Total £
Statement of affairs fee	-	2,000 00	2,000 00
Fee for convening the S98 meetings and report	-	8,000 00	8,000 00
Liquidators fees	28,085 75	50,000 00	78,085 75
Liquidators expenses	-	-	-
Legal fees	-	11,325 00	11,325 00
Consultants fees	-	1,000 00	1,000 00
Storage costs	-	-	-
Statutory advertising	-	153 00	153 00
Total	28,085.75	72,478 00	100,563.75

Creditors are reminded that the basis on which fees have been reported has been agreed by the secured creditor and is requested from the preferential creditors with this report

However to determine if the quantum of the fees to be taken is reasonable the analysis included at Appendix 3 should be reviewed and any additional information can be requested by any secured creditor or any unsecured creditor(s) with at least 5% in value of the unsecured debt in accordance with rule 4 49E Insolvency Rules 1986 This request must be made within 21 days receipt of the report The full text of that rule can be provided on request

In addition creditors are reminded that the quantum can be challenged by unsecured creditor(s) with at least 10% in value excluding that creditors claim by making an application to court in accordance with rule 4 131 Insolvency Rules 1986 The full text of this rule can also be provided on request

8 Extract from the Insolvency Rules 1986

Insolvency Rules 1986

4.49E Creditors' and members' request for further information

- (1) If-
- (a) within the period mentioned in paragraph (2)-
 - (i) a secured creditor, or
 - (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
 - (iii) 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, or
 - (b) with the permission of the court upon an application made within that period mentioned in paragraph (2)-
 - (i) any unsecured creditor, or
 - (ii) any member of the company in a members' voluntary winding up, makes a request in writing to the liquidator for further information about remuneration or expenses set out in the progress report in accordance with Rule 4 49B(1)(e) or (f) (including by virtue of Rule 4 49C(5)) or in a draft report under Rule 4 49D, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of matter in a draft report under Rule 4 49D or a progress report required by Rule 4 108 which (in either case) was previously included in a progress report not required by Rule 4 108
- (2) The period referred to in paragraph 1(a) and (b) is –
- (a) 7 business days of receipt (by the last of them in the case of an application by more than one member) of the progress report where it is required by Rule 4 108, and
 - (b) 21 days of receipt (by the last of them in the case of an application by more than one member) of the report or draft in any other case
- (3) The liquidator complies with this paragraph by either –

- (a) providing all of the information asked for, or
- (b) so far as the liquidator considers that –
 - (i) the time or cost of preparation of the information would be excessive, or
 - (ii) disclosure of the information would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or
 - (iii) the liquidator is subject to an obligation of confidentiality in respect of the information,giving reasons for not providing all of the information
- (4) Any creditor, and any member of the company in a members' voluntary winding up, who need not be the same as the creditors or members who asked for the information, may apply to the court within 21 days of –
 - (a) the giving by the liquidator of reasons for not providing all the information asked for, or
 - (b) the expiry of the 14 days provided for in paragraph (1),and the court may make such order as it thinks just
- (5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks or, as the case may be, 4 weeks provided for in Rule 4 131(1B) or 4 148C(2) by such further period as the court thinks just
- (6) This Rule does not apply where the liquidator is the official receiver

4.131 Creditors' claim that remuneration is [or other expenses are] excessive

- (1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4)
- (1A) Application may be made on the grounds that-
 - (a) the remuneration charged by the liquidator,
 - (b) the basis fixed for the liquidator's remuneration under Rule 4 127, or
 - (c) expenses incurred by the liquidator,is or are, in all the circumstances, excessive or, in the case of application under

sub-paragraph (b), inappropriate

(1B) The application must, subject to any order of the court under Rule 4 49E (5), be made no later than 8 weeks (or, in a case failing within Rule 4 108, 4 weeks) after receipt by the applicant of the progress report, or the draft report under Rule 4 49D, which first reports the charging of the remuneration or the incurring of the expenses in question (“the relevant report”)

(2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss the application, but it shall not do so unless the applicant has had opportunity to attend the court for a hearing, of which he has been given at least 5 business days’ notice but which is without notice to any other party

If the application is not dismissed under this paragraph, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly

(3) The applicant shall, at least 14 days before the hearing, send to the liquidator a notice stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it

(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 liquidator was entitled to charge,

(b) an order fixing the basis of remuneration at a reduced 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 liquidation,

(e) an order that the liquidator or the liquidator’s personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,

and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report

(5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant and are not payable as an expense of the liquidation